# JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

|                                    | or orbice  | CECNIC DE DCC  |  |   |  |   |
|------------------------------------|--|--|--|---|--|---|
| DISTRIC<br>FILE NU                 | MBER: D-   | : CESWG-PE-RCC<br>15985(01)  |  |   |  |   |
| State<br>Cou<br>Cent<br>App<br>Nam | e: To<br>nty: N<br>ter coordinat<br>roximate siz   | exas ueces es of site (latitude/long e of area (parcel) reviev waterway: Resaca de la ed: Resaca de los (  | itude): 26<br>wed, including up<br>as Flores   | -3-47/97-31-47<br>lands: 100 acres.   |  |   |
| JURISD<br>Con                      | npleted: D   | DETERMINATION Desktop determination ite visit(s)   |  | ate: 31 Oct 2005<br>ate(s):   |  |   |
| Jur                                | isdictional I  | Determination (JD):  |  |   |  |   |
|                                    | Preliminary<br>United Stat   | ID Deed an availab   | le information, waters of the Unit   | there appear to be (ed States" on the proj  | or) \(\infty\) there appear to be no ect site. A preliminary JD is to  | waters of the ot appealable                             |
| $\boxtimes$                        | Check all t  |  |  |   |  |   |
|                                    | ☐ There of the review  | are "navigable waters of<br>ed area. Approximate s   | f the United State<br>size of jurisdiction   | s" (as defined by 33 C<br>nal area:   | FR part 329 and associated g   | uidance) within   |
|                                    | ☐ There of reviewed a  | are "waters of the Unite<br>rea. Approximate size  | ed States" (as def<br>of jurisdictional a  | ined by 33 CFR part 3<br>area:  | 28 and associated guidance)  | within the  |
|                                    |  | are "isolated, non-navig  ☐ Decision supp  ☐ Jurisdiction.   | gable, intra-state<br>ported by SWANG  | waters or wetlands" v<br>CC/Migratory Bird Ru   | ithin the reviewed area.<br>le Information Sheet for Dete  | rmination of No   |
| BASIS A.                           | Waters de  | CICTIONAL DETERMENT OF THE PROPERTY OF THE PRO | part 329 as "naviolate to the ebb a  | nd flow of the tide an  | d/or are presently used, of have   | e been used in  |
| B.                                 | (1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (4) Impound (5) The printerstate (6) The printerstate (7) The printerstate (1) The printersta | or foreign commerce, in the seence of interstate was resence of other waters wetlands, sloughs, prain of which could affect which are or could be used to make the could be used to the which are or could be used | n are currently usincluding all water ters including all water such as intrastate rie potholes, wet interstate commend by interstate or fish are or could be sed for industrial erwise defined as a water identifie as.  | s which are subject to streams wetlands. lakes, rivers, streams meadows, playa lakes ree including any suctoring travelers for the taken and sold in in purposes by industrie waters of the US. d in (1) – (4) above. | the ebb and flow of the tide.  (including intermittent stream or natural ponds, the use, de h waters (check all that apply ecreational or other purposes terstate or foreign commerce.)  It for those wetlands adjacent to   | s), mudflats,<br>gradation or<br>):<br>o other wetlands |
| we<br>vi<br>(i.<br>a <u>j</u><br>m | ater or wetla<br>aters. If B(1<br>e., discuss s  | nd is not itself a navigo<br>) or B(3) is used as the<br>ite conditions, including<br>te or foreign commerce,<br>rmination. If B(7) is use   | able water of the basis of Jurisdictory  Basi | Inited States, describ-<br>tion, document naviga<br>ody is navigable and/o  | oxes checked above). If the connection(s) to the downstreshilty and/or interstate common how the destruction of the volument the at the rationale used to make the control of the volument that we will be volument the volument that volument the volument the volument that volument the volument the volument that volument the volument that volument the volumen | erce connection<br>aterbody could<br>rationale used to  |

**FILE NUMBER:** D-15985(01)

|     | ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | a 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|-----|--|---|
|     | Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings;  | vegetation lines/changes in vegetation types.   |
|     | Wetland boundaries, as shown on the attached wetlan  | d delineation map and/or in a delineation report prepared by:   |
| Bas | Headquarters declined to approve jurisdiction on the to The Corps has made a case-specific determination that United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel unabandoned and the resulting body of water made 328.3(a).  Isolated, intrastate wetland with no nexus to interest the purpose of obtaining still, sand, or gravel unabandoned and the resulting body of water made and the resulting body of water made and the second still the purpose of obtaining still, sand, or gravel unabandoned and the resulting body of water made and the resulting body of water made and the second still the purpose of obtaining still, sand, or gravel unabandoned and the resulting body of water made and the resulting body of water made and the second still the purpose of obtaining still, sand, or gravel unabandoned and the resulting body of water made and the resulting body of water made and the second still the purpose of obtaining still, sand, or gravel unabandoned and the resulting body of water made and the resulting body of water made and the second still the se | poasis of 33 CFR part 328.3(a)(3).  At the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3.  It to upland if the irrigation ceased. In and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for neless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce.  Renall Resources Conservation Service. Explain rationale: |
|     | Data sheets prepared/submitted by or on behalf of the  This office concurs with the delineation report, delineation report, delineation report, delineation reports a sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic map  U.S. Geological Survey 7.5 Minute Historic quadrang  U.S. Geological Survey 15 Minute Historic quadrang  U.S. Geological Survey 15 Minute Historic quadrang  U.S. Actional Wetlands inventory maps:  National wetlands inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is:  NGVD)  Aerial Photographs (Name & Date): TNRIS, 1995  Other photographs (Date): 19 Oct 2005; On-ground per Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:   | f the applicant. applicant. ated , prepared by (company): report, dated , prepared by (company): as: Olmito, TX gles: les: Survey:  |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRIC<br>FILE NU                  | CT OFFICE:<br>JMBER:   | Galveston<br>D-17937  |   |  |   |
|-------------------------------------|--|---|---|--|---|
| State<br>Coun<br>Cent<br>App<br>Nam | nty: De Witt<br>ter coordinates of si  | te (latitude/longitud<br>a (parcel) reviewed<br>vay: Salt Creek   | le): 29 0 55,<br>, including (  | .5262, 97 34 54.3819<br>uplands: <u>0.25</u> acre.   |   |
|                                     | ICTIONAL DETE npleted: Desktop Site visit  | determination   | SA SCA  | Date: 18 Nov 2005<br>Date(s):  |   |
| Juri                                | isdictional Determ   | ination (JD):   |   |  |   |
| 臣                                   | Preliminary JD - E<br>United States" and<br>(Reference 33 CFI  | l/or "navigable wate  | nformation,<br>ers of the Un  | there appear to b ited States" on the pr   | e (or) there appear to be no "waters of the roject site. A preliminary JD is not appealable   |
| ×                                   | Approved JD – Ar<br>Check all that app   |   | appealable  | action (Reference 33   | CFR part 331).  |
|                                     | There are "nav   | rigable waters of the<br>Approximate size   | United State<br>of jurisdiction   | tes" (as defined by 33 onal area:acre.   | 3 CFR part 329 and associated guidance) within  |
|                                     | There are "wareviewed area. Ap   | ters of the United St<br>oproximate size of j   | tates" (as de<br>urisdictional  | efined by 33 CFR part area: <u>0.1 acre</u> .  | rt 328 and associated guidance) within the  |
|                                     | There are "iso   | lated, non-navigabl<br>Decision supporte<br>Jurisdiction.   | le, intra-stat<br>ed by SWAN  | e waters or wetlands'<br>NCC/Migratory Bird  | " within the reviewed area. Rule Information Sheet for Determination of No.   |
| RASIS (                             | OF HIRISDICTIO   | NAL DETERMIN  | IATION:   |  |   |
| A.                                  | Waters defined waters of waters of waters  | under 33 CFR part   | 329 as "navet to the ebb  | vigable waters of the and flow of the tide tinterstate or foreign  | and/or are presently used, or have been used in   |
| B                                   | (1) The presence interstate or foreign (2) The presence (3) The presence sandflats, wetland destruction of where (i) which are (ii) from which (iii) which are (iii) which are (iii) which are | of waters, which are gn commerce, include of interstate waters in of other waters such is, sloughs, prairie pich could affect interested by the fish or shellfish are or could be used it is or could be used | e currently u<br>ding all wate<br>including in<br>a as intrastate<br>ootholes, we<br>erstate common<br>interstate of<br>are or could<br>for industria | ers which are subject terstate wetlands <sup>1</sup> . e lakes, rivers, strean t meadows, playa lakerce including any sor foreign travelers for be taken and sold in I purposes by industr | the ded States": the past, or may be susceptible to use in to the ebb and flow of the tide.  In section (including intermittent streams), mudflats, tes, or natural ponds, the use, degradation or such waters (check all that apply): or recreational or other purposes. interstate or foreign commerce. ities in interstate commerce. |
|                                     | (4) Impoundment<br>(5) The presence  | s of waters otherwis<br>of a tributary to a w   | se defined as<br>ater identifi  | s waters of the US.<br>ed in (1) – (4) above.  |   |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Intermittent tributary to Coleto Creek, which is tributary to Guadalupe River.

#### FILE NUMBER: D-17937

|     | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: hydrophytic vegetation  |
|-----|--|
|     | Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  |
|     | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:   |
| Bas | is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or grave unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):   |
|     | Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: New Davy, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Aceological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minu |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston SWG 05-33-015 FILE NUMBER: PROJECT LOCATION INFORMATION: State: Texas County: De Witt Center coordinates of site (latitude/longitude): 28 56 6.9621, 97 19 17.5229 Approximate size of area (parcel) reviewed, including uplands: 0.25 acre. Name of nearest waterway: Twelvemile Creek Name of watershed: Lower Guadalupe JURISDICTIONAL DETERMINATION Date: 18 Nov 2005 Completed: Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, | there appear to be (or) | there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre.</u> There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.1 acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No 蹇 Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate wettands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Intermittent tributary to Coleto Creek, which is tributary to Guadalupe River.

#### FILE NUMBER: SWG 05-33-015

|        | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation   |
|--------|--|
|        | Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  |
|        | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:   |
| Bas    | The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| DATA I | Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Meyersville, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Meyersville, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: Applicable/supporting case law:  Other information (please specify):  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRICT OFFICE: CESWG<br>FILE NUMBER: 23958  |   |
|---|---|
| PROJECT LOCATION INFORMATION:  State: Texas County: Matagorda Center coordinates of site (latitude/longitude): 28 Approximate size of area (parcel) reviewed, including upl Name of nearest waterway: Gulf Intracoastal Waterway (Only Name of watershed: San Bernard   | 45' 53"N, 95 37' 51"W (NAD27)<br>ands: .007 acres.<br>GIWW)   |
| Completed: Desktop determination  | te: 12 December 2005<br>te(s):  |
| Jurisdictional Determination (JD):  |   |
| Preliminary JD - Based on available information, United States" and/or "navigable waters of the Unite (Reference 33 CFR part 331).  | there appear to be (or) there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable  |
| Approved JD – An approved JD is an appealable act<br>Check all that apply:  | ion (Reference 33 CFR part 331).  |
| There are "navigable waters of the United States the reviewed area. Approximate size of jurisdictions   | " (as defined by 33 CFR part 329 and associated guidance) within a area: 0.007 acres.   |
| ★ There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional area.  | ned by 33 CFR part 328 and associated guidance) within the ea: 0.007 acres.   |
| There are "isolated, non-navigable, intra-state value of Decision supported by SWANC Jurisdiction.  | vaters or wetlands" within the reviewed area.  C/Migratory Bird Rule Information Sheet for Determination of No  |
| BASIS OF JURISDICTIONAL DETERMINATION:  |   |
| A Waters defined under 33 CFR part 329 as "navig  | d flow of the tide and/or are presently used, or have been used in  |
| interstate or foreign commerce, including all waters  (2) The presence of interstate waters including inter  (3) The presence of other waters such as intrastate I sandflats, wetlands, sloughs, prairie potholes, wet n destruction of which could affect interstate commer  (i) which are or could be used by interstate or f  (ii) from which fish or shellfish are or could be  (iii) which are or could be used for industrial p  (4) Impoundments of waters otherwise defined as w  (5) The presence of a tributary to a water identified | which are subject to the ebb and flow of the tide. state wetlands¹. akes, rivers, streams (including intermittent streams), mudflats, readows, playa lakes, or natural ponds, the use, degradation or ce including any such waters (check all that apply): oreign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce. urposes by industries in interstate commerce. raters of the US. |
| -   | on (applies to any boxes checked above). If the jurisdictional  |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Gulf Intracoastal Waterway (GIWW) is a navigable water of the United States. Additionally, the GIWW is an interstate water.

FILE NUMBER: 23958

|             | ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | High Ti   | de Line indicated by: or scum line along shore objects e shell or debris deposits (foreshore) ysical markings/characteristics al gages er: project plans; aerial photograph   |
|-------------|---|---|---|
|             | Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings  | s;  vegetation line   | s/changes in vegetation types.  |
|             | Wetland boundaries, as shown on the attached wetla  | nd delineation map  | and/or in a delineation report prepared by:   |
| Bas         | the purpose of obtaining fill, sand, or gravel  | basis of 33 CFR pa<br>at the following wa<br>t ponds or lagoons,<br>it to upland if the ir<br>ing and/or diking dr<br>or such purposes as<br>her small ornamenta<br>water for primarily<br>neidental to constru<br>unless and until the<br>cets the definition of | rt 328.3(a)(3). ters present on the site are not Waters of the pursuant to 33 CFR part 328.3. rigation ceased. y land to collect and stock watering, irrigation, settling basins, or l bodies of water created a aesthetic reasons. ction activity and pits excavated in dry land for construction or excavation operation is f waters of the United States found at 33 CFR |
|             | Non-tidal drainage or irrigation ditches excav  | ated on dry land. E   | xplain rationale:   |
| DATA R      | REVIEWED FOR JURSIDICTIONAL DETERMI   | NATION (mark al   | l that anniv):  |
| $\boxtimes$ | Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, or This office does not concur with the delineation Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic map U.S. Geological Survey 7.5 Minute Historic quadrant U.S. Geological Survey 15 Minute Historic quadrant USDA Natural Resources Conservation Service Soil National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TxGLO Sargent Other photographs (Date): Site photographs submitted Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | of the applicant. e applicant. lated , prepare report, dated os: 1989 Sargent gles: les: Survey: Sep-Nov 2004   | ed by (company): prepared by (company):   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 24032

| <b>PROJEC</b> | T LOCATION INFORMATION:   |  |
|---------------|---|--|
| State         | : Texas   |  |
| Cour          | nty: Galveston  | 1 040 421 068  |
| Cent          | er coordinates of site (latitude/longitude): Lat  | itude 29° 26′ 57″; Longitude 94° 43′ 06″   |
| Appr          | oximate size of area (parcel) reviewed, including upl   | ands: acres.   |
| Nam           | e of nearest waterway: Galveston Bay  |  |
| Nam           | e of watershed: East Galveston Bay Huc: 1204  | 0202   |
|               | TOTAL TO DETERMINE THOM   |  |
|               | CTIONAL DETERMINATION   | te: 12 December 2005   |
| Com           | picted. Desktop determination   |  |
|               | Site visit(s)   | te(s):   |
| Inci          | sdictional Determination (JD):  |  |
|               |   | there appear to be (or) There appear to be no "waters of the   |
|               | Preliminary JD - Based on available information, United States" and/or "navigable waters of the United (Reference 33 CFR part 331). | there appear to be (or) there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable |
|               | •   |  |
| ×             | Approved JD – An approved JD is an appealable act Check all that apply:   | ion (Reference 33 CFR part 331).   |
|               | There are "navigable waters of the United States the reviewed area. Approximate size of jurisdiction."                              | " (as defined by 33 CFR part 329 and associated guidance) within al area:  |
|               | There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional area.                          | ned by 33 CFR part 328 and associated guidance) within the ea:   |
|               | There are "isolated, non-navigable, intra-state of Decision supported by SWANC Jurisdiction.  | vaters or wetlands" within the reviewed area.<br>C/Migratory Bird Rule Information Sheet for Determination of No               |
| D . CTC .     | DE MUDICIPIONAL DETERMINATION.  |  |
| BASIS         | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navig   | Table waters of the United States":  |
| A.            | The presence of waters that are subject to the ebb ar the past, or may be susceptible for use to transport i                        | d flow of the tide and/or are presently used, or have been used in   |
| _             | Waters defined under 33 CFR part 328.3(a) as "  | waters of the United States":  |
| B.            | (1) The presence of waters, which are currently use   | d, or were used in the past, or may be susceptible to use in   |
|               | interstate or foreign commerce, including all waters  | which are subject to the ebb and flow of the tide.   |
|               | (2) The presence of interstate waters including inter   | state wetlands'.   |
| H             | (2) The presence of other waters such as intrastate 1   | akes, rivers, streams (including intermittent streams), mudilats,  |
|               | conditate wetlands sloughs prairie notholes wet n   | headows, playa lakes, or natural ponds, the use, degradation of  |
|               | destruction of which could affect interstate commen   | rede including any such waters (check all that apply).   |
|               | (i) which are or could be used by interstate or   | oreign travelers for recreational of other purposes.   |
|               | (ii) from which fish or shellfish are or could be   | taken and sold in interstate or foreign commerce.  |
|               | (iii) which are or could be used for industrial p   | urposes by industries in interstate commerce.  |
|               | (4) Impoundments of waters otherwise defined as v   | vaters of the US.  |
|               | (5) The presence of a tributary to a water identified   | in (1) – (4) above.  |
|               | (6) The presence of territorial seas.   | Cat LIC  |
|               | (7) The presence of wetlands adjacent to other was  | ers of the US, except for those wetlands adjacent to other wetlands  |
|               |   | on (applies to any hoves checked shove). If the jurisdictional   |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 24032

|     | eral Extent of Jurisdiction: (Reference: 33 CFR par Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | ☐ High Tide Lin☐ oil or so☐ fine she   | cum line along shore objects<br>ell or debris deposits (foreshore)<br>I markings/characteristics  |
|-----|--|--|---|
|     | Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical marking  | ;  vegetation lines/cha  | anges in vegetation types.  |
|     | Wetland boundaries, as shown on the attached wetla   | nd delineation map and/o   | or in a delineation report prepared by:   |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination to United States:  Waste treatment systems, including treatmer Artificially irrigated areas, which would reveated by excavaretain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or of by excavating and/or diking dry land to retain Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water in 328.3(a).  Isolated, intrastate wetland with no nexus to Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excald the Other (explain):                                    | basis of 33 CFR part 328 at the following waters p t ponds or lagoons, pursurt to upland if the irrigating and/or diking dry landor such purposes as stock her small ornamental body water for primarily aest incidental to construction unless and until the construction of water the definition of water the definition of water the Natural Resources Control of the Na | present on the site are not Waters of the part 328.3. Sion ceased. Sid to collect and the watering, irrigation, settling basins, or dies of water created thetic reasons. In activity and pits excavated in dry land for truction or excavation operation is ters of the United States found at 33 CFR conservation Service. Explain rationale: |
|     | Maps, plans, plots or plat submitted by or on behalf Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, This office does not concur with the delineation Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic may U.S. Geological Survey 7.5 Minute Historic quadrated U.S. Geological Survey 15 Minute Historic quadrated U.S. Geological Survey 15 Minute Historic quadrated U.S. Actional wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is:  Activated Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | of the applicant. e applicant. dated , prepared by report, dated , prep ps: Flake gles: gles:  | v (company):  |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

| FILE NU                              | JMBER: I-5021   |  |
|--------------------------------------|---|--|
| State<br>Cour<br>Cent<br>Appr<br>Nam | e: Texas nty: Harris County ter coordinates of site (latitude/longitude): 29° 38' 16 roximate size of area (parcel) reviewed, including up ne of nearest waterway: Armand Bayou, Tribaty to ne of watershed: North Galveston Bay  | "N, 95° 09' 00"W (NAD27)<br>blands: <u>2.0</u> acres.  |
|                                      | ipiecea. Desirop determinant  | ate: 12 December 2005<br>tte(s): 09 December 2005  |
| Juri                                 | isdictional Determination (JD):   |  |
|                                      | Preliminary ID - Based on available information.  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
|                                      | Approved JD – An approved JD is an appealable at Check all that apply:  | tion (Reference 33 CFR part 331).  |
|                                      | There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction   | s" (as defined by 33 CFR part 329 and associated guidance) within all area:  |
|                                      | There are "waters of the United States" (as def reviewed area. Approximate size of jurisdictional at  | ined by 33 CFR part 328 and associated guidance) within the area:  |
|                                      | There are "isolated, non-navigable, intra-state  Decision supported by SWANG  Jurisdiction.   | waters or wetlands" within the reviewed area.  CC/Migratory Bird Rule Information Sheet for Determination of No  |
| BASIS (                              | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navi The presence of waters that are subject to the ebb a the past, or may be susceptible for use to transport  | nd flow of the tide and/or are presently used, or have been used in  |
| B.                                   | interstate or foreign commerce, including all water (2) The presence of interstate waters including inte (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet destruction of which could affect interstate comme (i) which are or could be used by interstate or (ii) from which fish or shellfish are or could be | s which are subject to the ebb and flow of the tide.  rstate wetlands.  lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or rece including any such waters (check all that apply): foreign travelers for recreational or other purposes.  e taken and sold in interstate or foreign commerce. |
|                                      | (iii) which are or could be used for industrial (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identified (6) The presence of territorial seas  | purposes by industries in interstate commerce. waters of the US.   |
| Re                                   | tionale for the Basis of Jurisdictional Determinat  | ion (applies to any boxes checked above). If the jurisdictional  |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: I-5021 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Pasadena, Tx. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1999 Pasadena, Tx. State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 920 of 1135, date November 6, 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Pasadena, Tx. Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| FILE NU<br>PROJEC<br>State<br>Cour<br>Cent<br>App | T LOCATION Texas  ty: Jeffer ter coordinates o                    | son<br>f site (latitude/longitud<br>area (parcel): N/A<br>Neches River   | de): 30°  | 07' 5   | 6"N,  | 94° 08' 10"W   |          |
|---|---|--|---|---|---|--|----------|
| JURISD<br>Con                                     | npleted: Deskt  | TERMINATION top determination visit(s)   |   | Date<br>Date(                                     |   | 12/12/05   |          |
| Juri  | sdictional Dete   | rmination (JD):  |   |   |   |  |          |
|   |   | - Based on available i<br>and/or "navigable water  | nformation<br>ers of the U  | n, 🔲 <i>th</i><br>Jnited                          | <i>iere ap</i><br>States"   | ppear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable  | e<br>e   |
| Ø   | Check all that a  | apply:   |   |   |   | erence 33 CFR part 331).   |          |
|   | There are "the reviewed are                                       | navigable waters of threa. Approximate size  | e United S<br>of jurisdic   | tates" (<br>ctional                               | (as defi<br>area: _   | ined by 33 CFR part 329 and associated guidance) with  | nin      |
|   | There are "reviewed area.   | waters of the United S<br>Approximate size of  | States" (as<br>jurisdiction   | define  | d by 33<br>a:   | 3 CFR part 328 and associated guidance) within the   |          |
|   | ☐ There are '   | "isolated, non-navigab<br>Decision support<br>Jurisdiction.  | ole, intra-st<br>ted by SW  | tate wa<br>ANCC                                   | ters or<br>/Migra   | wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determination of  | No       |
| BASIS   | OF HIRISDIC   | TIONAL DETERMI   | NATION:   |   |   |  |          |
|   | Waters define   | ed under 33 CFR par  | t 329 as "r<br>ect to the el  | n <b>aviga</b><br>bb and                          | HOW O   | ters of the United States":  If the tide and/or are presently used, or have been used or foreign commerce.   | in       |
| B.  | (1) The present interstate or for                                 | oreign commerce, incli   | ding all w  | aters v   | vhich a   | re subject to the ebb and flow of the tide.  | _        |
| Ē   | (3) The preser sandflats, wet destruction of  (i) which (ii) from | nce of other waters suc<br>lands, sloughs, prairie<br>which could affect into<br>are or could be used the<br>which fish or shellfish<br>whate or could be used | potholes, valentiated by interstate core interstate are or could for industrial | tate lak wet me mmerce e or for ild be t rial pur | adows, adows, e include reign traken ar | ers, streams (including intermittent otterably), , playa lakes, or natural ponds, the use, degradation or ding any such waters (check all that apply): ravelers for recreational or other purposes. nd sold in interstate or foreign commerce. by industries in interstate commerce. | ,        |
| 4   | (4) Impounds  | nents of waters otherw   | ise defined   | ı as wa   | ters of   | the US.  |          |
|   | (6) The present (7) The present                                   |  | ent2 to othe  | r water   | rs of th  | e US, except for those wetlands adjacent to other wetla  |          |
| D   | ationale for the  | Basis of Jurisdiction  | al Determi  | inatior   | n (appl   | lies to any boxes checked above). If the jurisdictiona   | l<br>Lla |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

|  | 2  |
|--|--|
| FILE NUMBER: D-17420   |  |
| Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 3:  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | 28 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
| <ul><li>Mean High Water Mark indicated by:</li><li>☐ survey to available datum; ☐ physical marking</li></ul>   | s;  vegetation lines/changes in vegetation types.  |
|  | nd delineation map and/or in a delineation report prepared by:   |
| Waste treatment systems, including treatmen Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavat retain water and which are used exclusively f rice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel us abandoned and the resulting body of water me 328.3(a). Isolated, intrastate wetland with no nevus to in  | basis of 33 CFR part 328.3(a)(3).  at the following waters present on the site are not Waters of the  t ponds or lagoons, pursuant to 33 CFR part 328.3.  It to upland if the irrigation ceased.  ing and/or diking dry land to collect and  or such purposes as stock watering, irrigation, settling basins, or  er small ornamental bodies of water created  water for primarily aesthetic reasons.  acidental to construction activity and pits excavated in dry land for nless and until the construction or excavation operation is  eets the definition of waters of the United States found at 33 CFR  interstate commerce. |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, da This office does not concur with the delineation re Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle USDA Natural Resources Conservation Service Soil S National wetlands inventory maps: Voth Texas State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date): | the applicant. applicant. ted, prepared by (company): port, dated , prepared by (company)  Voth, Texas es:   |

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| FILE NU<br>PROJEC<br>State<br>Cour<br>Cent<br>Approving | T LOCATION INFORMATION: Louisiana   | 03"N, 93° 16' 15"W  |
|---|---|---|
| JURISD!<br>Con  | ICTIONAL DETERMINATION  Inpleted: Desktop determination   | 77  |
| Juri  | sdictional Determination (JD):  |   |
|   | To D 1  | there appear to be (or) \( \sum \) there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable   |
| ×   | Approved JD – An approved JD is an appealable actic Check all that apply:   | on (Reference 33 CFR part 331).   |
|   | There are "navigable waters of the United States" the reviewed area. Approximate size of jurisdictional   | (as defined by 33 CFR part 329 and associated guidance) within a area:  |
|   | There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional area.  | ed by 33 CFR part 328 and associated guidance) within the ea:   |
|   | There are "isolated, non-navigable, intra-state we Decision supported by SWANC Jurisdiction.  | vaters or wetlands" within the reviewed area.  C/Migratory Bird Rule Information Sheet for Determination of No  |
|   | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navig The presence of waters that are subject to the ebb an the past, or may be susceptible for use to transport in   | a now of the fide and/of are presently used, of have seen as a  |
| B.  | Waters defined under 33 CFR part 328.3(a) as "(1) The presence of waters, which are currently used interstate or foreign commerce, including all waters   | I or were used in the past, of may be susceptible to use in   |
| <b>3</b>  | (2) The presence of interstate waters including inter- (3) The presence of other waters such as intrastate la sandflats, wetlands, sloughs, prairie potholes, wet madestruction of which could affect interstate commend (i) which are or could be used by interstate or form (iii) which are or could be used for industrial properties. | kes, rivers, streams (including intermittent streams), mudflats, eadows, playa lakes, or natural ponds, the use, degradation or ce including any such waters (check all that apply): oreign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce. |
| <u>™</u><br>⊠   | <ul><li>(4) Impoundments of waters otherwise defined as w</li><li>(5) The presence of a tributary to a water identified</li></ul>   | raters of the US.   |
| -   | tionals for the Rasis of Jurisdictional Determination   | on (applies to any boxes checked above). If the jurisdictional  |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Sales and Castor Creek are tributaries to Sabine River, a navigable water of the United States.

|  | 2  |
|--|--|
| FILE NUMBER: D-17432   |  |
| Lateral Extent of Jurisdiction: (Reference: 33 CFR parts:  Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
| <ul><li>Mean High Water Mark indicated by:</li><li>☐ survey to available datum; ☐ physical markin</li></ul>  | gs;  vegetation lines/changes in vegetation types.   |
| Wetland boundaries, as shown on the attached wetl  | and delineation map and/or in a delineation report prepared by:  |
| waste treatment systems, including treatment Artificially irrigated areas, which would reverse Artificial lakes and ponds created by excavating retain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or of by excavating and/or diking dry land to retain Water-filled depressions created in dry land it the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water made and the result | that the following waters present on the site are not Waters of the strong process of the strong process of the site are not Waters of the strong process of the site are not waters of the strong process of the site are not waters of the strong process of the site are not waters of the site are not waters of the site are not waters of the irrigation ceased. In an analysis of site and site are not water or such purposes as stock watering, irrigation, settling basins, or not process of the site are not waters of settling basins, or not process as stock watering, irrigation, settling basins, or not process are stock water created a water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for incless and until the construction or excavation operation is settling of waters of the United States found at 33 CFR interstate commerce. |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, da This office does not concur with the delineation report, da This office does not concur with the delineation report, da William Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangle  U.S. Geological Survey 15 Minute Historic quadrangle  USDA Natural Resources Conservation Service Soil State/Local wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):   | the applicant. applicant. ted, prepared by (company): port, dated, prepared by (company)  Leesville, Louisiana es:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| <b>DISTRICT OFFICE:</b> CESWG-PE-RC <b>FILE NUMBER:</b> D-17742  |  |
|--|--|
| PROJECT LOCATION INFORMATION: State: Texas County: Harris Center coordinates of site (latitude/longitude): 29 Approximate size of area (parcel) reviewed, including up Name of nearest waterway: White Oak Bayou Name of watershed: White Oak Bayou  | o° 55' 20"N, 95° 37' 42"W<br>olands: 60 acres.   |
| Completed: Desktop determination   | ate: 12 December 2005 ate(s):  |
| Jurisdictional Determination (JD):   |  |
| D D D and an available information   | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
| Approved JD – An approved JD is an appealable at Check all that apply:   |  |
| There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction  | s" (as defined by 33 CFR part 329 and associated guidance) within hal area:  |
| There are "waters of the United States" (as def reviewed area. Approximate size of jurisdictional  | ined by 33 CFR part 328 and associated guidance) within the area:  |
| There are "isolated, non-navigable, intra-state Decision supported by SWAN Jurisdiction.   | waters or wetlands" within the reviewed area.  CC/Migratory Bird Rule Information Sheet for Determination of No  |
| BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "nav The presence of waters that are subject to the ebb at the past, or may be susceptible for use to transport   | and flow of the tide and/of are presently used, of have seen used  |
| interstate or foreign commerce, including all water  (2) The presence of interstate waters including into (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet destruction of which could affect interstate comme (i) which are or could be used by interstate or [iii) from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shellfish are or could be used by interstate or [iiii from which fish or shell f | which are subject to the ebb and flow of the tide.  erstate wetlands <sup>1</sup> .  lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply):  foreign travelers for recreational or other purposes.  the taken and sold in interstate or foreign commerce. |
| (iii) which are or could be used for industrial (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identifie (6) The presence of territorial seas. (7) The presence of wetlands adjacent <sup>2</sup> to other w   | purposes by industries in interstate commerce. waters of the US.   |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lateral Extent of Jurisdiction: (Reference: 33 CFR p  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | parts 328 and 329)    High Tide Line indicated by:   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   other:  |
|--|---|
| <ul><li>Mean High Water Mark indicated by:</li><li>☐ survey to available datum; ☐ physical marking</li></ul>   | gs;  vegetation lines/changes in vegetation types.  |
| Wetland boundaries, as shown on the attached wetl  | and delineation map and/or in a delineation report prepared by:   |
| Artificially irrigated areas, which would reverse Artificially irrigated areas, which would reverse Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or off by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel up abandoned and the resulting body of water me 328.3(a).  Isolated, intrastate wetland with no reserved.   | t ponds or lagoons, pursuant to 33 CFR part 328.3. Int to upland if the irrigation ceased. Ing and/or diking dry land to collect and Ior such purposes as stock watering, irrigation, settling basins, or It water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for nless and until the construction or excavation operation is sets the definition of waters of the United States found at 33 CFR Interstate commerce. In a last of the States are not Waters of the United States found at 33 CFR Interstate commerce. Interstate Resources Conservation Service. Explain rationale: |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the a This office concurs with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office the delineation report, date This delineation report, date This delineation report, date This | applicant. ed , prepared by (company): port, dated , prepared by (company):  1995 Cypress s: rvey:  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-18024

| I I L L               |   |                                  |   |
|-----------------------|---|----------------------------------|---|
| PROJECT               | LOCATION INFORMATION:   |                                  |   |
| State:                | TX  |                                  |   |
| Coun                  | (letitude/longiii   | ude).                            | N26 9' 21.5040", W98 5' 47.5845"  |
| Cente                 | er coordinates of site (latitude/longity<br>experiments of site (parcel) reviewed<br>eximate size of area (parcel) reviewed | ed, includin                     | g uplands: .5 acres.  |
| Appr                  | oximate size of area (parcer) fevicing of nearest waterway: Irrigation Dit  | ch                               |   |
| Name                  | e of watershed: Rio Grande Rive   | er                               |   |
| JURISDI               | CTIONAL DETERMINATION   | 5-73                             | Date: 12 December 2005  |
| Com                   | pleted: Desktop determination   | $\boxtimes$                      |   |
|                       | Site visit(s)   |                                  | Date(s):  |
| Juri                  | sdictional Determination (JD):  |                                  | — Supreme of the  |
|                       |   | e information aters of the       | on, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
|                       |   |                                  | 1   |
| $\boxtimes$           | Check all that apply:   |                                  | ole action (Reference 33 CFR part 331).   |
|                       | the reviewed area. Approximate si   | ize oi jurisu                    | States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:   |
|                       | There are "waters of the United reviewed area. Approximate size   | d States" (a<br>of jurisdiction  | is defined by 33 CFR part 328 and associated guidance) within the onal area:  |
|                       | There are "isolated, non-navigon Decision supportion."  | gable, intra-<br>orted by SV     | state waters or wetlands" within the reviewed area. WANCC/Migratory Bird Rule Information Sheet for Determination of No                                       |
|                       | OF JURISDICTIONAL DETERM  | MINATION                         | N:  |
| BASIS<br>A.           | Waters defined under 33 CFR p   | hight to the                     | "navigable waters of the United States": ebb and flow of the tide and/or are presently used, or have been used in sport interstate or foreign commerce.       |
|                       |   |                                  | gul Muitad States":   |
| В.                    | Waters defined under 35 CFK   | n are curren                     | tly used, or were used in the past, or may be susceptible to use in waters which are subject to the ebb and flow of the tide.                                 |
| L                     |   |                                  |   |
|                       | 1 (2) The presence of interstate was  | ters includii                    | ig interstate western (including intermittent streams), mudflats,   |
|                       | 1 (3) The presence of other waters  | such as mu                       | astate takes, reversions lakes or natural ponds, the use, degradation or  |
|                       | sandflats, wetlands, sloughs, prai  | rie pomoies                      | wet meadows, play a many such waters (check all that apply):  |
|                       | destruction of which could affect   | i iliterstate e                  | of the travelors for recreational or other purposes.  |
|                       | (i) which are or could be use   | fish are or c                    | could be taken and sold in interstate or foreign commerce.  |
|                       | - un til man sould be u   | CEA TOT HIGH                     | ISHIAI DUIDOSCS Of Market   |
| Γ                     | - to the section of workers of he   | erwise detti                     | ied as waters of the co.  |
| Ī                     | 7 (5) The presence of a tributary to  | o a water iu                     | entified in (1) (1) doors   |
| ֓֞֟֞֟֟֝֟֟֝֟֝֟<br>֖֖֖֓ | (6) The presence of territorial se<br>(7) The presence of wetlands ad   | as.<br>jacent <sup>2</sup> to ot | ther waters of the US, except for those wetlands adjacent to other wetlands   |
| _                     |   |                                  | in the furisdictional   |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lateral Extent of Jurisdiction: (Reference Ordinary High Water Mark indicated be clear, natural line impressed on the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  |
|--|--|
| ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ phys   | ical markings;  vegetation lines/changes in vegetation types.  |
| Wetland boundaries, as shown on the at   | tached wetland delineation map and/or in a delineation report prepared by:   |
| United States:  Waste treatment systems, includid Artificially irrigated areas, which Artificial lakes and ponds created retain water and which are used earice growing.  Artificial reflecting or swimming by excavating and/or diking dry I Water-filled depressions created in the purpose of obtaining fill, sand abandoned and the resulting body 328.3(a).  Isolated, intrastate wetland with n Prior converted cropland, as deter   | s in 33 CFR part 328(a)(1, 2, or 4-7).  ction on the basis of 33 CFR part 328.3(a)(3).  rmination that the following waters present on the site are not Waters of the ing treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  would revert to upland if the irrigation ceased.  I by excavating and/or diking dry land to collect and exclusively for such purposes as stock watering, irrigation, settling basins, or pools or other small ornamental bodies of water created and to retain water for primarily aesthetic reasons.  In dry land incidental to construction activity and pits excavated in dry land for or gravel unless and until the construction or excavation operation is of water meets the definition of waters of the United States found at 33 CFR  |
| Maps, plans, plots or plat submitted by or on b  ☐ Data sheets prepared/submitted by or on b ☐ This office concurs with the delineatic ☐ This office does not concur with the d ☐ Data sheets prepared by the Corps. ☐ Corps' navigable waters' studies: ☐ U.S. Geological Survey Hydrologic Atlas: ☐ U.S. Geological Survey 7.5 Minute Topogur U.S. Geological Survey 7.5 Minute Historic U.S. Geological Survey 15 Minute Historic U.S. Geological Survey 15 Minute Historic U.S. Geological Survey 15 Minute Historic U.S. Actional wetlands inventory maps: Donna State/Local wetland inventory maps: ☐ FEMA/FIRM maps (Map Name & Date): ☐ 100-year Floodplain Elevation is: ☐ Aerial Photographs (Name & Date): TNRIS Other photographs (Date): ☐ Advanced Identification Wetland maps: ☐ Site visit/determination conducted on: ☐ Applicable/supporting case law: ☐ Other information (please specify): | control of the applicant.  chalf of the applic |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology)

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| FILE N  | UMBER: D-18025  | !  |  |  |
|---|---|--|--|--|
| Stat<br>Cou<br>Cen<br>App<br>Nan                            | unty: Hidalgo   | 26 12' 32.5728", W9<br>lands: .5 acres.  | 98 6' 10.5679"   |  |
| JURISD<br>Con   | Cita - i i i ( )  | te: 12 December 20<br>te(s):   | 05   |  |
| Juri  | isdictional Determination (JD):   |  |  |  |
|   | Preliminary JD - Based on available information, United States" and/or "navigable waters of the Unite (Reference 33 CFR part 331).  | there appear to be<br>d States" on the pro   | (or) ⊠ there appear to be no "opect site. A preliminary JD is no   | waters of the ot appealable                        |
| $\boxtimes$   | Approved JD – An approved JD is an appealable acti Check all that apply:  | on (Reference 33 C   | FR part 331).  |  |
|   | ☐ There are "navigable waters of the United States' the reviewed area. Approximate size of jurisdictional   | (as defined by 33 (<br>area:   | CFR part 329 and associated gui  | idance) within                                     |
|   | There are "waters of the United States" (as defin reviewed area. Approximate size of jurisdictional are   | ed by 33 CFR part 3  | 28 and associated guidance) wi   | thin the   |
|   | ☐ There are "isolated, non-navigable, intra-state was Decision supported by SWANCO Jurisdiction.  | nters or wetlands" w<br>Migratory Bird Ru  | ithin the reviewed area.<br>le Information Sheet for Detern  | nination of N                                      |
| <b>A.</b> 1   | F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "naviga The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport int   | flow of the tide and   | or are precently used on bear 1  | peen used in                                       |
|   | Waters defined under 33 CFR part 328.3(a) as "wa (1) The presence of waters, which are currently used, interstate or foreign commerce, including all waters wa (2) The presence of interstate waters including interstate. The presence of other waters such as intrastate lakes and flats, wetlands, sloughs, prairie potholes, wet mean destruction of which could affect interstate commerce.  (i) which are or could be used by interstate or form (ii) from which fish or shell fish are or could be taken (iii) which are or could be used for industrial purp (4) Impoundments of waters otherwise defined as water (5) The presence of a tributary to a water identified in (6) The presence of wetlands adjacent to other waters | or were used in the hich are subject to the wetlands. The set, rivers, streams (including any such sign travelers for recken and sold in interess by industries into the US.  (1) – (4) above. | past, or may be susceptible to use the ebb and flow of the tide.  Including intermittent streams), or natural ponds, the use, degrace waters (check all that apply): creational or other purposes, restate or foreign commerce.  In interstate commerce. | mudflats,<br>dation or                             |
| Ration<br>water<br>waters<br>(i.e., d<br>affect t<br>make t | nale for the Basis of Jurisdictional Determination (or wetland is not itself a navigable water of the Unite $s$ . If $B(1)$ or $B(3)$ is used as the Basis of Jurisdiction, liscuss site conditions, including why the waterbody is interstate or foreign commerce). If $B(2, 4, 5 \text{ or } 6)$ is used as the Basis of Jurisdination.   | applies to any box<br>d States, describe c<br>document navigabil<br>navigable and/or h   | es checked above). If the juriso<br>connection(s) to the downstream<br>ity and/or interstate commerce<br>ow the destruction of the water   | dictional<br>navigable<br>connection<br>body could |

determination:

| Lateral Extent of Jurisdiction: (Reference: 33 CFR pa Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | rts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
|--|---|
| <ul><li>☐ Mean High Water Mark indicated by:</li><li>☐ survey to available datum;</li><li>☐ physical marking</li></ul>   | s;  vegetation lines/changes in vegetation types  |
|  | nd delineation map and/or in a delineation report prepared by:  |
| Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavati retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel u abandoned and the resulting body of water me 328.3(a).  Isolated, intrastate wetland with no nexus to in   | basis of 33 CFR part 328.3(a)(3).  at the following waters present on the site are not Waters of the  ponds or lagoons, pursuant to 33 CFR part 328.3.  It to upland if the irrigation ceased.  In g and/or diking dry land to collect and  or such purposes as stock watering, irrigation, settling basins, or  er small ornamental bodies of water created  water for primarily aesthetic reasons.  cidental to construction activity and pits excavated in dry land for  nless and until the construction or excavation operation is  ets the definition of waters of the United States found at 33 CFR  tterstate commerce.  Natural Resources Conservation Service. Explain rationale: |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the all This office concurs with the delineation report, dated This office does not concur with the delineation reports as heets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangle:  U.S. Geological Survey 15 Minute Historic quadrangle:  U.S. Geological Survey 15 Minute Historic quadrangle:  U.S. Autural Resources Conservation Service Soil State National wetlands inventory maps:  National wetlands inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | the applicant. applicant. ed , prepared by (company): port, dated , prepared by (company):  Donna Quad es:  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRICT OFFICE: CESWG<br>FILE NUMBER: D-18026   |  |
|--|--|
| PROJECT LOCATION INFORMATION: State: TX County: Hidalgo Center coordinates of site (latitude/longitude): N Approximate size of area (parcel) reviewed, including up Name of nearest waterway: Irrigation Ditch Name of watershed: Rio Grande River   | 26 15' 14.3552", w98 4'36.9529"<br>plands: .5 acres.   |
|  | ate: 12 December 2005<br>ate(s):   |
| Jurisdictional Determination (JD):   |  |
| Preliminary JD - Based on available information  | there appear to be (or) there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable   |
| Approved JD – An approved JD is an appealable act Check all that apply:  | ion (Reference 33 CFR part 331).   |
| There are "navigable waters of the United States" the reviewed area. Approximate size of jurisdictions   | (as defined by 33 CFR part 329 and associated guidance) within area:   |
| There are "waters of the United States" (as defin reviewed area. Approximate size of jurisdictional ar   | ed by 33 CFR part 328 and associated guidance) within the ea:  |
| ☐ There are "isolated, non-navigable, intra-state w ☐ Decision supported by SWANCO Jurisdiction.   | aters or wetlands" within the reviewed area.  Migratory Bird Rule Information Sheet for Determination of No  |
| BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "naviga"  The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport into  | flow of the tide and/or are presently used on hour to a second   |
| B. Waters defined under 33 CFR part 328.3(a) as "w. (1) The presence of waters, which are currently used, interstate or foreign commerce, including all waters v. (2) The presence of interstate waters including interst. (3) The presence of other waters such as intrastate lak sandflats, wetlands, sloughs, prairie potholes, wet medestruction of which could affect interstate commerce. (i) which are or could be used by interstate or for (ii) from which fish or shellfish are or could be taken (iii) which are or could be used for industrial purtues (4) Impoundments of waters otherwise defined as water (5) The presence of a tributary to a water identified in (6) The presence of territorial seas. | aters of the United States":  or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide. ate wetlands.  es, rivers, streams (including intermittent streams), mudflats, adows, playa lakes, or natural ponds, the use, degradation or including any such waters (check all that apply): eign travelers for recreational or other purposes. ken and sold in interstate or foreign commerce. poses by industries in interstate commerce. |
| Rationale for the Basis of Jurisdictional Determination water or wetland is not itself a navigable water of the Unit waters. If B(1) or B(3) is used as the Basis of Jurisdiction, (i.e., discuss site conditions, including why the waterbody is  | (applies to any boxes checked above). If the jurisdictional ed States, describe connection(s) to the downstream navigable document navigability and/or interstate commerce connection is navigable and/or how the destruction of the waterbody could seed as the Basis of Jurisdiction, document the rationale used to   |

make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

|   | $\mathcal{V}^{100}$  |
|---|--|
| Lateral Extent of Jurisdiction: (Reference: 33 CFR pa Ordinary High Water Mark indicated by:  | rts 328 and 329)  High Tide Line indicated by:   |
| clear, natural line impressed on the bank   | oil or scum line along shore objects   |
| the presence of litter and debris   | fine shell or debris deposits (foreshore)  |
| changes in the character of soil  | physical markings/characteristics  |
| destruction of terrestrial vegetation   | tidal gages  |
| shelving other:   | other:   |
| other:  |  |
| Mean High Water Mark indicated by:  |  |
| survey to available datum: Drawing morting  |  |
| survey to available datum; physical marking   |  |
| Wetland boundaries, as shown on the attached wetla  | and delineation map and/or in a delineation report prepared by:  |
|   | and defined to map and/or in a defineation report prepared by:   |
| Basis For Not Asserting Jurisdiction:   |  |
| The reviewed area consists entirely of uplands.   |  |
| Unable to confirm the presence of waters in 33 CFR  | 12204 244 -  |
| and quarters declined to annihily introduction on the   | hasis C22 CDD  |
| The Corps has made a case-specific determination the  | basis of 33 CFR part 328.3(a)(3).  Eat the following waters present on the site are not Waters of the  |
| United States:  | at the following waters present on the site are not Waters of the  |
| Waste treatment systems, including treatment  | t ponds or lagoons, pursuant to 33 CFR part 328.3.   |
|   |  |
|   |  |
| retain water and which are used exclusively for   | or such purposes as stock watering, irrigation, settling basins, or  |
| rice growing.  Artificial reflecting or swimming pools or set   | or a second matering, intigation, setting basins, or   |
|   | er small ornamental bodies of water created  |
|   |  |
|   |  |
| abandoned and the resulting body of water ma  | nless and until the construction or excavation operation is  |
| 328.3(a).   | ces the definition of waters of the United States found at 33 CFR  |
| Isolated, intrastate wetland with no nexus to in  | tarctata as music  |
| Prior converted cropland, as determined by the  | e Natural Resources Conservation Service. Explain rationale:   |
| Non-tidal 1   | explain rationale:   |
| ☐ Non-tidal drainage or irrigation ditches excava ☐ Other (explain):  | ted on dry land. Explain rationale:  |
| Curci (explain).  |  |
|   |  |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on balants.   | ATION (mark all that apply).   |
|   |  |
| Data sheets prepared/submitted by or on hehalf of the   | annlicent  |
| Inis office concurs with the delineation report date  | ted managed to describe the description of the desc |
| This office does not concur with the delineation re Data sheets prepared by the Corps.  | port, dated , prepared by (company):   |
| Corps' navigable waters' studies:   | • •  |
| U.S. Geological Survey Hydrologic Atlas:  |  |
| U.S. Geological Survey 7.5 Minute Topographic maps:   | La Diana O   |
| U.S. Geological Survey 7.5 Minute Historic quadrangle   | 201  |
| U.S. Geological Survey 15 Minute Historic quadrangle  |  |
| USDA Natural Resources Conservation Service Soil S  | rvev: Hidalgo County   |
| National wetlands inventory maps: La Blanca   | y - mango county   |
| State/Local wetland inventory maps:   |  |
| U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle USDA Natural Resources Conservation Service Soil S. National wetlands inventory maps: La Blanca State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date): |  |
| Aerial Photographs (Name & Date): TNRIS 1995  |  |
| Other photographs (Date): TNRIS 1995  |  |
| Advanced Identification Wetland mans:   |  |
| Site visit/determination conducted on:  |  |
| Applicable/supporting case law:   |  |
| Other information (please specify):   |  |
|   |  |
|   |  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE: CESWG** FILE NUMBER: D-18027 PROJECT LOCATION INFORMATION: State: TXCounty: Hidalgo Center coordinates of site (latitude/longitude): N26 9' 12.5865", W98 7' 14.5794" Approximate size of area (parcel) reviewed, including uplands: .5 acres. Name of nearest waterway: Irrigation Ditch Name of watershed: Rio Grande River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 12 December 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  $\square$  (2) The presence of interstate waters including interstate wetlands<sup> $\tilde{I}$ </sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| cle  | nt of Jurisdiction: (Reference: 33 CFR pay High Water Mark indicated by: ar, natural line impressed on the bank presence of litter and debris inges in the character of soil truction of terrestrial vegetation living er:   | arts 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
|--|--|---|
| ☐ Mean Hi  | gh Water Mark indicated by:<br>y to available datum;   | s;  vegetation lines/changes in vegetation types.   |
| ☐ Wetland  | boundaries, as shown on the attached wetla   | and delineation map and/or in a delineation report prepared by:   |
| In revier Unable to Headquar The Corp. United Sta W Ar Ar ret ric Ar by Wa the aba 328 Iso Pric  | aste treatment systems, including treatmen tificially irrigated areas, which would reve tificial lakes and ponds created by excavat ain water and which are used exclusively fe growing.  tificial reflecting or swimming pools or oth excavating and/or diking dry land to retain ter-filled depressions created in dry land in purpose of obtaining fill, sand, or gravel undoned and the resulting body of water med. 3.3(a).   | basis of 33 CFR part 328.3(a)(3).  That the following waters present on the site are not Waters of the state the following waters present on the site are not Waters of the state the following waters present on the site are not Waters of the state state of the state are not waters of the upland if the irrigation ceased.  The state is a state are not waters of the state are not waters of the waters of the states and states of the waters of the upland for inclease and until the construction of excavation operation is sets the definition of waters of the United States found at 33 CFR interstate commerce.  The state is a state are not waters of the waters are not waters of the waters are not waters of the waters of the waters of the waters of the water are not waters of the waters are not waters of the water are not water are not water are not waters of the water are not water are not water are not water are not |
| Data sheets This of This of Data sheets Corps' navig U.S. Geolog U.S. Geolog U.S. Geolog U.S. Geolog U.S. Geolog USDA Natu National wet State/Local v FEMA/FIRM 100-year Flo Aerial Photo Other photog Advanced Id Site visit/dete Applicable/si | FOR JURSIDICTIONAL DETERMING, plots or plat submitted by or on behalf of prepared/submitted by or on behalf of the fice concurs with the delineation report, dangle does not concur with the delineation reprepared by the Corps. gable waters' studies: gab | the applicant. applicant. ted , prepared by (company): port, dated , prepared by (company):  Donna Quad es:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRICT OFFICE: CESWG    |
|---------------------------|
| TILE NUMBER: SWG05-07-036 |

| C<br>C<br>A<br>N | ECT LOCATION INFORMATION: tate: Texas ounty: Brazoria enter coordinates of site (latitude/longitude): pproximate size of area (parcel) reviewed, including ame of nearest waterway: Marys Creek ame of watershed: West Galveston Bay   | 29 32' 52"N, 95 14' 36"W (NAD 27)<br>suplands: 0.005 acres.   |
|------------------|--|---|
| JURIS<br>Co      | DICTIONAL DETERMINATION  ompleted: Desktop determination  Site visit(s)  | Date: 12 December 2005 Date(s):   |
| Ju               | risdictional Determination (JD):   |   |
|                  | Preliminary JD - Based on available information  | there appear to be (or) there appear to be no "waters of the hited States" on the project site. A preliminary JD is not appealable  |
| ×                | Approved JD – An approved JD is an appealable Check all that apply:  | action (Reference 33 CFR part 331).   |
|                  | There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction  | es" (as defined by 33 CFR part 329 and associated guidance) within onal area: acres.  |
|                  | There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional   | fined by 33 CFR part 328 and associated guidance) within the area: 0.005 acres.   |
|                  | There are "isolated, non-navigable, intra-state Decision supported by SWAN Jurisdiction.   | waters or wetlands" within the reviewed area.  CC/Migratory Bird Rule Information Sheet for Determination of No   |
| A.               | to the second  | nd flow of the tide and/or are presently used, or have been used in interstate or foreign commerce.   |
|                  | (2) The presence of interstate waters including inter (3) The presence of other waters such as intrastate I sandflats, wetlands, sloughs, prairie potholes, wet n destruction of which could affect interstate commer (i) which are or could be used by interstate or f (ii) from which fish or shellfish are or could be (iii) which are or could be used for industrial p (4) Impoundments of waters otherwise defined as w (5) The presence of a tributary to a water identified (6) The presence of territorial seas | d, or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide.  state wetlands¹.  akes, rivers, streams (including intermittent streams), mudflats, neadows, playa lakes, or natural ponds, the use, degradation or ce including any such waters (check all that apply):  oreign travelers for recreational or other purposes.  taken and sold in interstate or foreign commerce.  urposes by industries in interstate commerce. |
| _                |  |   |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Marys Creek is a tributary to Clear Creek, which is a navigable water of the United States.

| Lateral Extent of Jurisdiction: (Reference: 33 CFR  Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: project plans, aerial photograph   | parts 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|---|
| Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical marking  Wetland boundaries, as shown on the attached wet  | gs; vegetation lines/changes in vegetation types.   |
| The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFI Headquarters declined to approve jurisdiction on th The Corps has made a case-specific determination of United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would rev Artificial lakes and ponds created by excavar retain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or of by excavating and/or diking dry land to retain water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel of abandoned and the resulting body of water made and the resulting body of water made and solution.  Isolated, intrastate wetland with premium and the purpose of obtaining fill, sand, or gravel of abandoned and the resulting body of water made and the result | hat the following waters present on the site are not Waters of the nt ponds or lagoons, pursuant to 33 CFR part 328.3. ert to upland if the irrigation ceased. ting and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or her small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce. |
| Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of This office concurs with the delineation report, data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Autural Resources Conservation Service Soil St. National wetlands inventory maps: Friendswood (digital State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Brazoria Coulou-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): NAIP Brazoria Coulou-year Floodplain Service Soil St. Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):  | ATION (mark all that apply):  Ithe applicant.  applicant.  ted , prepared by (company):  port, dated , prepared by (company):  1995 Friendswood  es:  s:  urvey:  al-based on 1992 photographs)  anty, FEMA Q3 data (digital 1996 or 1998)  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology)

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE: CESWG** FILE NUMBER: D-18028 PROJECT LOCATION INFORMATION: State: TXCounty: Hidalgo Center coordinates of site (latitude/longitude): N26 16' 48.2629", W98 6' 12.2129" Approximate size of area (parcel) reviewed, including uplands: .5 acres. Name of nearest waterway: Irrigation Ditch Name of watershed: Rio Grande River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 13 December 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands <sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lateral Extent of Jurisdiction: (Reference: 33 CFR pa Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | arts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
|---|--|
| ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking  | s; vegetation lines/changes in vegetation types  |
| Wetland boundaries, as shown on the attached wetla  | and delineation map and/or in a delineation report prepared by:  |
| Waste treatment systems, including treatment Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel use abandoned and the resulting body of water med 328.3(a).  Isolated, intrastate wetland with no nexus to interest the second state of the second state | basis of 33 CFR part 328.3(a)(3).  at the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3.  It to upland if the irrigation ceased. In an and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for notes and until the construction or excavation operation is gottes the definition of waters of the United States found at 33 CFR atterstate commerce.   |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, da This office does not concur with the delineation re Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle USDA Natural Resources Conservation Service Soil Sunational wetlands inventory maps: La Blanca State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):  | the applicant. applica |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-18029

| PROJECT LOCATION INFORMATION: State: TX County: Hidalgo Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including unlike the companion of nearest waterway: Irrigation Ditch Name of watershed: Rio Grande River |  |  |  | V26 9' 46.5997", W98 5' 59.4235"<br>plands: .5 acres.  |
|---|--|--|--|--|
|   |  |  |  | ate: 13 December 2005<br>ate(s):   |
| Juris   | dictiona   | l Determination (JD):  |  |  |
| Н 🔲<br>Л  | Prelimina<br>Inited St   | ary JD - Based on available in   | formation, [<br>s of the Unit  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
| ⊠ A   | Approved<br>Check all  | d JD – An approved JD is an apthat apply:  | ppealable act  | tion (Reference 33 CFR part 331).  |
| t)  | There  | are "navigable waters of the Uved area. Approximate size of  | Inited States  | " (as defined by 33 CFR part 329 and associated guidance) within   |
|   | ] There  |  | es" (as defir  | ad by 22 CED , 220   |
|   | ] There  | are "isolated, non-navigable, Decision supported l Jurisdiction.   | <i>intra-state</i> w<br>by SWANC(  | aters or wetlands" within the reviewed area.  /Migratory Bird Rule Information Sheet for Determination of No   |
| A. W  | ' <b>aters de</b><br>le presen   | DICTIONAL DETERMINATE<br>Prined under 33 CFR part 32<br>ace of waters that are subject to<br>r may be susceptible for use to   | 9 as "naviga   | ble waters of the United States": flow of the tide and/or are presently used, or have been used in erstate or foreign commerce.  |
| B. W  (1)  int  (2)  (3)  sar  des  (4)  (4)  (5)   | aters de ) The pre- erstate o ) The pre- o t | efined under 33 CFR part 32ic esence of waters, which are cur or foreign commerce, including esence of interstate waters inclusive esence of other waters such as evetlands, sloughs, prairie pother of which could affect interstation are or could be used by into my which fish or shellfish are on the could be used for indicate of waters otherwise desence of a tributary to a water sence of territorial seas. | 8.3(a) as "warrently used, as all waters wuding interstintrastate laked best wet measure commerce erstate or for could be tandustrial purifined as water identified in | aters of the United States":  or were used in the past, or may be susceptible to use in hich are subject to the ebb and flow of the tide. ate wetlands!  es, rivers, streams (including intermittent streams), mudflats, adows, playa lakes, or natural ponds, the use, degradation or including any such waters (check all that apply): eign travelers for recreational or other purposes. ken and sold in interstate or foreign commerce.  soses by industries in interstate commerce. |
| Rationa<br>water or<br>waters.<br>(i.e., disc   | le for the wetland If B(1) of the cuss site  | e Basis of Jurisdictional Detal is not itself a navigable water or B(3) is used as the Basis of  | ermination (  of the Unite  furisdiction,  waterbody is  | applies to any boxes checked above). If the jurisdictional d States, describe connection(s) to the downstream navigable document navigability and/or interstate commerce connection  |

affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

| Lateral Extent of Jurisdiction: (Reference: 33 CFR p.  Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | arts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|---|
| ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking   | s;  vegetation lines/changes in vegetation types.   |
|  | and delineation map and/or in a delineation report prepared by:   |
| Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination t United States:  Waste treatment systems, including treatmer Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavar retain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or ot by excavating and/or diking dry land to retain Water-filled depressions created in dry land it the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water m 328.3(a).  Isolated, intrastate wetland with no nexus to it Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excave Other (explain):  DATA REVIEWED FOR JURSIDICTIONAL DETERMIN | part 328(a)(1, 2, or 4-7). basis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of the t ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or her small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce. The Natural Resources Conservation Service. Explain rationale:  WATION (mark all that apply): |
| Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, delined to the this office does not concur with the delineation report, delined to the Corps.  Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map. U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Astional wetlands inventory maps: Donna State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):   | applicant. ated , prepared by (company): eport, dated , prepared by (company): s: Donna Quad les:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-18030 PROJECT LOCATION INFORMATION: State: TXCounty: Hidalgo Center coordinates of site (latitude/longitude): N26 13' 31.2694", W98 6'23. 1941" Approximate size of area (parcel) reviewed, including uplands: .5 acres. Name of nearest waterway: Irrigation Ditch Name of watershed: Rio Grande River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 13 December 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lateral Extent of Jurisdiction: (Reference: 33 CFR p Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | arts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|---|
| ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking   | s;  vegetation lines/changes in vegetation to   |
| Wetland boundaries, as shown on the attached wetla   | and delineation map and/or in a delineation report prepared by:   |
| Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination the United States:  Waste treatment systems, including treatmen Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavate retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel used abandoned and the resulting body of water med 328.3(a).  Isolated, intrastate wetland with no nexus to in Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavated Other (explain):   | part 328(a)(1, 2, or 4-7). basis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of the t ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. hig and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or her small ornamental bodies of water created water for primarily aesthetic reasons. heridental to construction activity and pits excavated in dry land for heless and until the construction or excavation operation is her the definition of waters of the United States found at 33 CFR hterstate commerce.  Natural Resources Conservation Service. Explain rationale: hted on dry land. Explain rationale: |
| Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the a This office concurs with the delineation report, dat This office does not concur with the delineation report, dat This office does not concur with the delineation report, dat This office does not concur with the delineation report, dat Using the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles  U.S. Geological Survey 15 Minute Historic quadrangles  U.S. Geological Survey 15 Minute Historic quadrangles  U.S. Aceila Survey 15 Minute Historic quadrangles  U.S. Geological Survey 16 Minute Historic quadrangles  U.S. Geological Survey 17 Minute Historic quadrangles  U.S. Geologic | the applicant.  applicant.  ed , prepared by (company):  bort, dated , prepared by (company):  Donna Quad  s:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or

|                             |  | J  | J.S. Arm   | y Corps of Engineers   | Revised 8/13/04   |
|-----------------------------|--|--|--|--|---|
| DISTR<br>FILE N             | ICT OFFICE: CESWG<br>NUMBER: D-18031   |  |  |  |   |
| Sta<br>Co<br>Ce<br>Ap<br>Na | te: TX unty: Hidalgo nter coordinates of site (la proximate size of area (pa me of nearest waterway: I me of watershed: Rio  | titude/longitude):<br>rcel) reviewed in  | cluding  | N26 16' 17.2283", W98 4' 49.7887"<br>uplands: .5 acres.  |   |
| Co                          | pictional determination of the picture of the pictu | mination [   |  | Date: 13 December 2005 Date(s):  |   |
| Jur                         | isdictional Determinatio   | n (JD):  |  |  |   |
|                             | Preliminary JD - Based of United States" and/or "n (Reference 33 CFR part  |  | mation, [<br>of the Uni  | there appear to be (or) there appe<br>ted States" on the project site. A prelim  | ar to be no "waters of the inary JD is not appealable                                     |
| ☒                           | Approved JD – An appro<br>Check all that apply:  | oved JD is an app  | ealable a  | ction (Reference 33 CFR part 331).   |   |
|                             | There are "navigable the reviewed area. Appro  | waters of the Unioximate size of ju  | ited State   | s" (as defined by 33 CFR part 329 and a rea:   | associated guidance) within   |
|                             | There are "waters of reviewed area. Approxim   | the United States'<br>nate size of jurisd  | ' (as def  | ined by 33 CFR part 328 and associated irea:   | guidance) within the  |
|                             | L) Decis   | non-navigable, int<br>sion supported by<br>diction.  | tra-state<br>SWANC   | waters or wetlands" within the reviewed CC/Migratory Bird Rule Information She   | area.<br>eet for Determination of No  |
| A.                          | The presence of waters in  | 3 CFR part 329 and are subject to the  | as "navig  | gable waters of the United States":  d flow of the tide and/or are presently uniterstate or foreign commerce.  | sed, or have been used in   |
|                             | (1) The presence of waters interstate or foreign comm (2) The presence of inters (3) The presence of other sandflats, wetlands, slough destruction of which could (ii) which are or could (iii) from which fish o (iii) which are or could 4) Impoundments of wate (5) The presence of a tribut (6) The presence of territor (1)   | s, which are curre<br>herce, including a<br>late waters includ<br>waters such as int<br>is, prairie pothole<br>I affect interstate<br>be used by inters<br>r shellfish are or of<br>d be used for indi-<br>ris otherwise defination to a water id-<br>trial seas | Il waters ing inters rastate la es, wet me commerce tate or for could be ustrial puned as water iffed in the control of the could be ustrial puned as water iffed in the control of the could be ustrial puned as water iffed in the could be ustrial puned as water iffed in the could be ustrial puned as water iffed in the could be usually the usually the could be usual | kes, rivers, streams (including intermitte<br>eadows, playa lakes, or natural ponds, the<br>ee including any such waters (check all the<br>preign travelers for recreational or other<br>taken and sold in interstate or foreign composes by industries in interstate commentary | ent streams), mudflats,<br>te use, degradation or<br>that apply):<br>purposes.<br>mmerce. |
| Ratio                       |  | sdictional Deter   | mination   | (applies to any hoves checked above)   |   |

water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lateral Extent of Jurisdiction: (Reference: 33 CFR  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | parts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|--|
| ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marki   | ngs;  vegetation lines/changes in vegetation types.  |
|  | etland delineation map and/or in a delineation report prepared by:   |
| Waste treatment systems, including treatm Artificially irrigated areas, which would re Artificial lakes and ponds created by excave retain water and which are used exclusivel rice growing.  Artificial reflecting or swimming pools or by excavating and/or diking dry land to ret Water-filled depressions created in dry land the purpose of obtaining fill, sand, or grave abandoned and the resulting body of water 328.3(a).  Isolated, intrastate wetland with no nexus to   | that the following waters present on the site are not Waters of the ent ponds or lagoons, pursuant to 33 CFR part 328.3. Evert to upland if the irrigation ceased. Vating and/or diking dry land to collect and y for such purposes as stock watering, irrigation, settling basins, or other small ornamental bodies of water created ain water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is meets the definition of waters of the United States found at 33 CFR or interstate commerce. |
| Maps, plans, plots or plat submitted by or on behalf of t  ☐ Data sheets prepared/submitted by or on behalf of t ☐ This office concurs with the delineation report, ☐ This office does not concur with the delineation ☐ Data sheets prepared by the Corps. ☐ Corps' navigable waters' studies: ☐ U.S. Geological Survey Hydrologic Atlas: ☐ U.S. Geological Survey 7.5 Minute Topographic material U.S. Geological Survey 7.5 Minute Historic quadratered U.S. Geological Survey 15 Minute Historic quadratered U.S. Geological Survey 15 Minute Historic quadratered U.S. Actional wetlands inventory maps: La Blanca U.SDA Natural Resources Conservation Service Soit National wetlands inventory maps: ☐ FEMA/FIRM maps (Map Name & Date): ☐ 100-year Floodplain Elevation is: (NGVD) ☐ Aerial Photographs (Name & Date): TNRIS 1995 ☐ Other photographs (Date): ☐ Advanced Identification Wetland maps: ☐ Site visit/determination conducted on: ☐ Applicable/supporting case law: ☐ Other information (please specify): | t of the applicant.  he applicant.  dated , prepared by (company):  report, dated , prepared by (company):  aps: La Blanca Quad  ngles:  |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

|                             |  |  | U.S. Army  | Corps of Engineers   |
|-----------------------------|--|--|--|--|
| DISTF<br>FILE               | RICT OFF<br>NUMBER   | TICE: CESWG-PE-RCC<br>: D-18060  |  |  |
| St.<br>Co<br>Ce<br>Ap<br>Na | ate:<br>ounty:<br>onter coord<br>oproximate  | ATION INFORMATION: Texas Nucces inates of site (latitude/longitudesize of area (parcel) reviewed rest waterway: Corpus Christiershed: Corpus Christi Ba  | l, including u<br>Bav  | 7-46-42/97-06-21<br>plands: 16 acres.  |
| JURISI<br>Co                | DICTIONA<br>mpleted:   | AL DETERMINATION Desktop determination Site visit(s)   |  | ate: 13 Dec 2005<br>ate(s): 2001, 2005   |
| Jui                         | risdictiona  | l Determination (JD):  |  |  |
| ×                           | Prelimina  | ary JD - Based on available in   | formation, So of the Unit  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
|                             | Approved<br>Check all  | d JD – An approved JD is an a that apply:  | ppealable ac   | tion (Reference 33 CFR part 331).  |
|                             | ☐ There the review   | are "navigable waters of the wed area. Approximate size or   | United States  | " (as defined by 33 CFR part 329 and associated guidance) within a area:   |
|                             | There reviewed   | are "waters of the United Stat<br>area. Approximate size of jur  | es" (as defir  | ed by 33 CFR part 328 and associated guidance) within the ea: 0.082.   |
|                             | ☐ There  | are "isolated, non-navigable, Decision supported Jurisdiction.   | <i>intra-state</i> w<br>by SWANCO  | aters or wetlands" within the reviewed area.  /Migratory Bird Rule Information Sheet for Determination of No   |
| BASIS O                     | F JURISD   | DICTIONAL DETERMINA  | TION   |  |
| A.                          | <b>Waters de</b><br>The presen   | clined under 33 CFR part 32  | 9 as "naviga   | ble waters of the United States": flow of the tide and/or are presently used, or have been used in   |
|                             | the past, or   | may be susceptible for use to  | transport in   | erstate or foreign commerce.   |
|                             | interstate o (2) The pre (3) The pre (4) The pre (4) The pre (5) T | sence of interstate waters included sence of other waters such as wetlands, sloughs, prairie pother of which could affect interstate the are or could be used by intermined the properties of the work of waters of sentence of the waters of waters otherwise definition. | g all waters waters waters waters to intrastate lake oles, wet meate commerce erstate or for could be tandustrial purifications was all the control of the c | or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide. The wetlands set wetlands set wetlands set wetlands in the wetlands set wetlands in the wetlands set wea |
|                             | o, The pres  | sence of a tributary to a water sence of territorial seas.   | identified in  | (1) - (4) above.   |

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands hydrologically connected to Corpus Christi Bay via a drainage ditch.

| Lateral Extent of Jurisdiction: (Reference: 33 CFR p.   | FILE NUMBER: D-18060  |
|---|---|
| Granary riigh water Mark indicated by:  | High Tide Line indicated by:  |
| laclear, natural line impressed on the bank   | oil or scum line along shore objects  |
| the presence of litter and debris changes in the character of soil  | ine shell or debris deposits (foreshore)  |
| destruction of terrestrial vegetation   | physical markings/characteristics   |
|   | tidal gages other:  |
| other:  | oulet.  |
| Mean High Water Mark indicated by:  |   |
| survey to available datum; physical markin  | gs;  vegetation lines/changes in vegetation types.  |
| Wetland houndaries as shown on the out-to-  | s, we regetation lines/changes in vegetation types.   |
| Shiner Moseley & Associates & Paul Lazarine   | land delineation map and/or in a delineation report prepared by:  |
|   |   |
| Basis For Not Asserting Jurisdiction:   |   |
| The reviewed area consists entirely of uplands.  Unable to confirm the presence of voters in 22 CFI   |   |
| Headquarters declined to approve jurisdiction on the  | A basis (COO CDD)   |
| The Corps has made a case-specific determination  | that the following waters present on the site are not Waters of the   |
| United States:  | waters present on the site are not waters of the  |
| Artificially irrigated areas, which would rev   | ort to value d S. d., pursuant to 33 CFR part 328.3.  |
| Artificial lakes and ponds created by exercise  | ting and/andiline irrigation ceased.  |
| retain water and which are used exclusively   | for such purposes as stock watering, irrigation, settling basins, or  |
| rice growing.  Artificial reflecting or swimming peels are a  | in the cross watering, irrigation, setting basins, or   |
|   | ther small ornamental bodies of water created   |
|   |   |
| the purpose of obtaining fill, sand, or gravel  | unless and until the construction or excavation operation is  |
| 328.3(a).   | neets the definition of waters of the United States found at 33 CFR   |
| Isolated, intrastate wetland with no nexus to   | intonatata  |
| Prior converted cropland, as determined by the  | ne Natural Resources Conservation Service. Explain rationale:   |
| Non-tidal drainage or irrigation ditches avec   | Solvies. Explain fationale.   |
| Non-tidal drainage or irrigation ditches excar<br>Other (explain):  | vated on dry land. Explain rationale:   |
|   |   |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMINE Maps, plans, plots or plat submitted by on on both 16  | NATION (  |
|   |   |
| Data Silects Diebalett/Sliftmitted by or on hehalf afth.  | .1 1' :   |
| EN 1113 ULLUC COllette With the delineation non and 1   | 1 10000   |
| Data sheets prepared by the Corps   | ated 2002, prepared by (company): Shiner Moseley & Assoc. report, dated 13 October 2005, prepared by (company): PBS&J |
| Corps' navigable waters' studies:   |   |
| U.S. Geological Survey Hydrologic Atlas:  |   |
| U.S. Geological Survey 7.5 Minute Topographic map U.S. Geological Survey 7.5 Minute Historic quadrang   | s: Port Aransas, TX   |
| U.S. Geological Survey 15 Minute Historic quadrangl   | Aa.   |
| USDA Natural Resources Conservation Service Soil S  | Survey: Nueces County   |
| National wetlands inventory maps: Port Aransas, TX State/Local wetland inventory maps:  | ,   |
| FEMA/FIRM maps (Map Name & Date):   |   |
| 100-year Floodplain Elevation is: (NGVD)  |   |
| U.S. Geological Survey 7.5 Minute Topographic map U.S. Geological Survey 7.5 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang USDA Natural Resources Conservation Service Soil S National wetlands inventory maps: Port Aransas, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995 Other photographs (Date): |   |
| Advanced Identification Wetland mans:   |   |
| Site visit/determination conducted on   |   |
| Applicable/supporting case law:   |   |
| Other information (please specify):   |   |
|   |   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| DIST<br>FILE     | RICT OFFICE: CESWG<br>NUMBER: SWG-05-14-032   |  |
|------------------|---|--|
| S<br>C<br>A<br>N | JECT LOCATION INFORMATION: State: Texas County: San Jacinto Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including a lame of nearest waterway: Unnamed Tribuatries lame of watershed: East Fork San Jacinto River | Lat: 30.34.18 Long: 95.08.46 uplands: 5 acres.   |
| JURIS<br>C       |   | Date: 13 December 2005<br>Date(s):   |
| Jι               | risdictional Determination (JD):  |  |
|                  | Preliminary JD - Based on available information [   | there appear to be (or) there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable |
| ×                | Approved JD – An approved JD is an appealable ac<br>Check all that apply:   | tion (Reference 33 CFR part 331).  |
|                  | There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction   | s" (as defined by 33 CFR part 329 and associated guidance) within al area:   |
|                  | There are "waters of the United States" (as defireviewed area. Approximate size of jurisdictional a   | ned by 33 CFR part 328 and associated guidance) within the rea:  |
|                  | There are "isolated, non-navigable, intra-state value Decision supported by SWANC Jurisdiction.   | vaters or wetlands" within the reviewed area.<br>C/Migratory Bird Rule Information Sheet for Determination of No                 |
| A.               | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navig The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport in  |  |
| B.               | Waters defined under 33 CFR part 328.3(a) as "w<br>(1) The presence of waters, which are currently used, interstate or foreign commerce, including all waters (2) The presence of interstate waters including interest  | aters of the United States":  or were used in the past, or may be susceptible to use in  |

#### В

other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

| Lateral Extent of Jurisdiction: (Reference: 33 CFR Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | parts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
|--|---|
| Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marki   | ngs;  vegetation lines/changes in vegetation types.   |
| Wetland boundaries, as shown on the attached we  | tland delineation map and/or in a delineation report prepared by:   |
| Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CF Headquarters declined to approve jurisdiction on the Corps has made a case-specific determination United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavaretain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or on by excavating and/or diking dry land to retate Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water in 328.3(a).  Isolated, intrastate wetland with no result to   | R part 328(a)(1, 2, or 4-7).  the basis of 33 CFR part 328.3(a)(3).  that the following waters present on the site are not Waters of the  nt ponds or lagoons, pursuant to 33 CFR part 328.3.  tert to upland if the irrigation ceased.  ating and/or diking dry land to collect and  for such purposes as stock watering, irrigation, settling basins, or  ther small ornamental bodies of water created in water for primarily aesthetic reasons.  incidental to construction activity and pits excavated in dry land for  unless and until the construction or excavation operation is  neets the definition of waters of the United States found at 33 CFR  interstate commerce.  ne Natural Resources Conservation Service. Explain rationale: |
| Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, do This office does not concur with the delineation of Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrange U.S. Geological Survey 15 Minute Historic quadrange U.S. Acological Survey 15 Minute Historic quadrange U.S. National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | applicant. applicant. ated , prepared by (company): eport, dated , prepared by (company): s: Coldspring, Westcott es:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23967

| S<br>C<br>C<br>A<br>N | tate:<br>ounty:<br>enter coordin<br>pproximate si  | TION INFORMATI<br>TEXAS<br>BRAZORIA<br>ates of site (latitude/lo<br>ize of area (parcel) rev<br>st waterway: CLUTE of<br>shed: 12090205   | ongitude):  |   | 15, 272150 E, 32077<br>VAL  | 98 N  |
|-----------------------|--|---|---|---|---|---|
| JURIS<br>Co           | ompleted: I  | L DETERMINATIO Desktop determination Site visit(s)  | n 🔯   | Date: 12/14/05<br>Date(s):  |   |   |
| Ju                    | risdictional ]   | Determination (JD):   |   |   |   |   |
|                       | Preliminary<br>United Stat   | y JD - Based on avails  | able information, [<br>waters of the Uni  | there appear to be ted States" on the p   | e (or)  there appear<br>toject site. A prelimin   | or to be no "waters of the nary JD is not appealable                |
| Ø                     | Approved J<br>Check all th   | D – An approved JD nat apply:   | is an appealable a  | tion (Reference 33  | CFR part 331).  |   |
|                       | There are the reviewe  | re "navigable waters of<br>d area. Approximate  | of the United State<br>size of jurisdiction   | s" (as defined by 33<br>al area:  | CFR part 329 and as   | sociated guidance) withir   |
|                       | There are reviewed are   | re "waters of the Unite ea. Approximate size  | ed States" (as defi<br>of jurisdictional a  | ned by 33 CFR part<br>rea:  | 328 and associated g  | uidance) within the   |
|                       | ■ There ar   | e "isolated, non-navig<br>Decision supp<br>Jurisdiction.  | gable, intra-state v<br>ported by SWANC   | vaters or wetlands"<br>C/Migratory Bird R   | within the reviewed a<br>ule Information Shee   | rea.<br>t for Determination of No                                   |
| Α.                    | The presence<br>the past, or n   |   | art 329 as "navig<br>oject to the ebb an<br>use to transport in   | I flow of the tide an iterstate or foreign of   | d/or are presently use<br>ommerce.  | ed, or have been used in  |
|                       | interstate or if (2) The prese (3) The prese sandflats, we destruction of (ii) which (iii) from (iii) which (4) Impoundn (5) The prese (6) The prese (6) The prese (7) | ence of waters, which foreign commerce, incommerce, incommerce of interstate waters are the control of other waters sutlands, sloughs, prairie of which could affect in a re or could be used which fish or shellfished are or could be used ments of waters otherwater of a tributary to a nace of territorial seas. | are currently used cluding all waters is including inters ich as intrastate la e potholes, wet menterstate commerce by interstate or fo hare or could be to for industrial purise defined as wa water identified in | or were used in the which are subject to tate wetlands <sup>1</sup> . des, rivers, streams adows, playa lakes, including any such eign travelers for reaken and sold in interposes by industries ers of the US.  (1) – (4) above. | past, or may be susce<br>the ebb and flow of the<br>including intermitten<br>or natural ponds, the<br>waters (check all that<br>creational or other pure<br>erstate or foreign com-<br>in interstate commerce | t streams), mudflats,<br>use, degradation or<br>apply):<br>urposes. |
|                       |  |   |   | _   |   | wettailus.  |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: THE CLUTE - LAKE JACKSON DRAINAGE CANAL CONNECTS SEGMENTS OF EAST UNION BAYOU, A NATURALLY OCCURING TRIBUTARY. THE DITCH IS NOT TIDAL IN THE AREA OF THE PROPOSED PROJECT, AS THERE IS A PUMP STATION LOCATED TO THE SOUTHEAST, AND DOWNSTREAM OF THE PROJECT SITE.

| Later  C   | ral Extent of Jurisdiction: (Reference: 33 CFR Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: AS STATED BY APPLICANT  | parts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|--|--|
| L_   | tean High Water Mark indicated by:    survey to available datum;   physical marking   retland boundaries, as shown on the attached well  | ngs;  vegetation lines/changes in vegetation types.  tland delineation map and/or in a delineation report prepared by:   |
| Basis F The Un Characteristics | cor Not Asserting Jurisdiction: e reviewed area consists entirely of uplands. able to confirm the presence of waters in 33 CFI adquarters declined to approve jurisdiction on the e Corps has made a case-specific determination itted States:  Waste treatment systems, including treatme Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavaretain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or on by excavating and/or diking dry land to retain Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water made and the res | R part 328(a)(1, 2, or 4-7).  be basis of 33 CFR part 328.3(a)(3).  that the following waters present on the site are not Waters of the  nt ponds or lagoons, pursuant to 33 CFR part 328.3.  vert to upland if the irrigation ceased.  It in gand/or diking dry land to collect and  for such purposes as stock watering, irrigation, settling basins, or  ther small ornamental bodies of water created  in water for primarily aesthetic reasons.  incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is neets the definition of waters of the United States found at 33 CFR  interstate commerce.  The Natural Resources Conservation Service. Explain rationale:  vated on dry land. Explain rationale: |
| Data s  T Data s  Corps U.S. C U.S. C U.S. G USDA Nation State/L FEMA 100-yea Aerial I Advance Site vis Applica  | cWED FOR JURSIDICTIONAL DETERMING, plans, plots or plat submitted by or on behalf of sheets prepared/submitted by or on behalf of the his office concurs with the delineation report, day his office does not concur with the delineation respects prepared by the Corps.  The concurs with the delineation respects prepared by the Corps.  The concurs with the delineation respects prepared by the Corps.  The concurs with the delineation respects prepared by the Corps.  The concurs with the delineation respects prepared by the Corps.  The cological Survey Hydrologic Atlas:  The cological Survey To Minute Topographic maps are cological Survey 15 Minute Historic quadrangle with the cological Survey 15 Minute Historic quadrangle.  The cological Survey 15 Minute Historic quadrangle with the cological Survey 15 Minute Historic quadrangle with the cological Survey 15 Minute Historic quadrangle.  The cological Survey 15 Minute Historic quadrangle with the cological Survey 15 Minute Hi | applicant. applicant. ated , prepared by (company): eport, dated , prepared by (company):  FREEPORT, TX es: es: urvey:   |

X

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

# JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

| DISTRIC<br>FILE NU                   | CT OFFICE: CESWG<br>JMBER: 23976  |   |   |
|--------------------------------------|---|---|---|
| State<br>Cour<br>Cent<br>Appi<br>Nam | nty: Nueces er coordinates of site (latit roximate size of area (parce e of nearest waterway: Lag   | ude/longitude):<br>el) reviewed includin  | N27.62973 W97.28795<br>g uplands: 3.2 acres.  |
| JURISDI<br>Com                       | CTIONAL DETERMINA pleted: Desktop determi Site visit(s)   | ATION nation  | Date: 12/14/05<br>Date(s):  |
| Juris                                | dictional Determination   | (JD)·   |   |
|                                      | Preliminary JD - Based on   | available information   | there appear to be (or) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable   |
|                                      | Approved JD – An approve Check all that apply:  | ed JD is an appealable  | e action (Reference 33 CFR part 331).   |
| <b>C</b><br>t                        | ☑ <i>There are</i> "navigable whe reviewed area. Approx   | aters of the United States at the size of jurisdict   | ates' (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.9 acres.   |
| r.                                   | There are "waters of the eviewed area. Approximate  | e United States" (as d<br>te size of jurisdictiona  | efined by 33 CFR part 328 and associated guidance) within the larea: 0.2 acres.   |
| [                                    | ☐ There are "isolated, nor☐ Decisio<br>Jurisdic   | ii supported by SWA   | te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No   |
| A. V<br>The the                      | the past, or may be susceptil   | CFR part 329 as "na are subject to the ebb ble for use to transpor  | vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in terstate or foreign commerce.  |
| in (2 (3 sa de                       | terstate or foreign commer ) The presence of interstat ) The presence of other wandflats, wetlands, sloughs, estruction of which could a  [ (i) which are or could be ] (ii) from which fish or s [ (iii) which are or could be ] (iii) which are or could be ] (iii) the presence of a tributat ] The presence of territoria | rce, including all water<br>e waters including intaters such as intrastate<br>prairie potholes, wet<br>ffect interstate comme<br>e used by interstate or<br>chellfish are or could to<br>be used for industrial<br>otherwise defined as | lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. |
| Rations<br>water o<br>waters.        | ale for the Basis of Jurisd<br>r wetland is not itself a nav<br>If B(1) or B(3) is used as  | lictional Determinativity of the Uther Basis of Invisigation  | on (applies to any boxes checked above). If the jurisdictional inited States, describe connection(s) to the downstream navigable on, document navigability and/or interstate commerce connection by is navigable and/or how the destruction of the waterbody could  |

(i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lateral Extent of Jurisdiction: (Reference: 33 CFR particles)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | arts 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|--|
| <ul><li>✓ Mean High Water Mark indicated by:</li><li>☐ survey to available datum;</li><li>✓ physical marking</li></ul>   | s; 🛛 vegetation lines/changes in vegetation types.   |
| Wetland boundaries, as shown on the attached wetla Lazarine  | and delineation map and/or in a delineation report prepared by: Paul   |
| Waste treatment systems, including treatmen Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavat retain water and which are used exclusively frice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land it the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water made and the resulting b | basis of 33 CFR part 328.3(a)(3).  nat the following waters present on the site are not Waters of the  t ponds or lagoons, pursuant to 33 CFR part 328.3.  rt to upland if the irrigation ceased.  ing and/or diking dry land to collect and  or such purposes as stock watering, irrigation, settling basins, or  ner small ornamental bodies of water created  water for primarily aesthetic reasons.  necidental to construction activity and pits excavated in dry land for inless and until the construction or excavation operation is  eets the definition of waters of the United States found at 33 CFR  interstate commerce.  e Natural Resources Conservation Service. Explain rationale:  ated on dry land. Explain rationale: |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of Data sheets prepared/submitted by or on behalf of This office concurs with the delineation report, da This office does not concur with the delineation report, da Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle USDA Natural Resources Conservation Service Soil S National wetlands inventory maps: Oso Creek NE, TX State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Community 100-year Floodplain Elevation is: Zone V; 8 feet (NGV Aerial Photographs (Name & Date): GLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):  | the applicant. applicant. ted , prepared by (company): cport, dated , prepared by (company):  : Oso Creek NE, TX es: es: urvey: Nueces County  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| DISTRICT OFFICE: CESWO | ì |
|------------------------|---|
| FILE NUMBER: 24034     |   |

|            | State: Texas County: San Jacin Center coordinates of sit Approximate size of area lame of nearest waterw lame of watershed:   | nto<br>te (latitude/longitud<br>a (parcel) reviewed   | including   | Lat: 30.39.38 Long: 95.07.34 uplands: 2 acres.   |
|------------|---|---|---|--|
| JURIS<br>C | SDICTIONAL DETER<br>completed: Desktop d<br>Site visit(s  | determination   |   | Date: 14 December 2005<br>Date(s):   |
| Jı         | ırisdictional Determin  | nation (JD):  |   |  |
|            | Preliminary JD - Ba<br>United States" and/o<br>(Reference 33 CFR)   | sed on available inf<br>or "navigable waters<br>part 331).  | formation, [<br>s of the Uni  | there appear to be (or) there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable  |
| ×          | Approved JD – An a Check all that apply:  | approved JD is an ap  | pealable a  | ction (Reference 33 CFR part 331).   |
|            | There are "navigon the reviewed area. A   | able waters of the U<br>Approximate size of   | Inited State<br>jurisdiction  | s" (as defined by 33 CFR part 329 and associated guidance) within all area:  |
|            | There are "waters reviewed area. Appr   | s of the United State<br>oximate size of juri   | es" (as def<br>sdictional a   | ined by 33 CFR part 328 and associated guidance) within the area:  |
|            | There are "isolate<br>D<br>Ju   | ed, non-navigable, i<br>Decision supported t<br>urisdiction.  | intra-state<br>by SWANC   | waters or wetlands" within the reviewed area.  C/Migratory Bird Rule Information Sheet for Determination of No   |
| BASIS (A.  | probation of water  | er 33 CFR part 329  | 9 as "navig   | able waters of the United States":  d flow of the tide and/or are presently used, or have been used in terstate or foreign commerce.   |
| B.         | (2) The presence of ince (2) The presence of ince (3) The presence of off sandflats, wetlands, sled estruction of which coefficient (ii) which are or coefficient (iii) which are or coefficient (4) Impoundments of we (5) The presence of a tree (6) The presence of terms. | ommerce, including terstate waters such as i oughs, prairie pothould affect interstat ould affect interstat ould be used by intesh or shellfish are occould be used for in waters otherwise delaributary to a water i ritorial seas | all waters all waters ading inters ntrastate la bles, wet me e commerce restate or for could be to dustrial purifined as wadentified in | kes, rivers, streams (including intermittent streams), mudflats, eadows, playa lakes, or natural ponds, the use, degradation or e including any such waters (check all that apply): reign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce. reposes by industries in interstate commerce.  |
|            |   |   |   | (annies to any hover should be a real of the state of the |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

2 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

Ordinary High Water Mark indicated by:

High Tide Line indicated by FILE NUMBER: 24034

| clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |  |
|---|--|--|
| Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical marking  Wetland boundaries, as shown on the attached wet   | ngs;  vegetation lines/changes in vegetation types.  tland delineation map and/or in a delineation report prepared by:   |  |
| Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFI Headquarters declined to approve jurisdiction on th The Corps has made a case-specific determination United States:  Waste treatment systems, including treatme Artificially irrigated areas, which would rev Artificial lakes and ponds created by excava retain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or of by excavating and/or diking dry land to retai Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water m 328.3(a).  Isolated, intrastate wetland with no peyments.   | R part 328(a)(1, 2, or 4-7).  the basis of 33 CFR part 328.3(a)(3).  that the following waters present on the site are not Waters of the nt ponds or lagoons, pursuant to 33 CFR part 328.3.  ert to upland if the irrigation ceased. It in an additional of the irrigation ceased and for such purposes as stock watering, irrigation, settling basins, or ther small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is seets the definition of waters of the United States found at 33 CFR interstate commerce.  The Natural Resources Conservation Service. Explain rationals: |  |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMINMaps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, da This office does not concur with the delineation reports of Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Autural Resources Conservation Service Soil Sonational wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | applicant. applicant. ated , prepared by (company): eport, dated , prepared by (company):  S: Stephen Creek es:  |  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE: CESWG FILE NUMBER: 24035** PROJECT LOCATION INFORMATION: State: Texas County: Calhoun Center coordinates of site (latitude/longitude): Latitude 28° 13' 00.59"N; Longitude 96° 43' 01.86"W Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: San Antonio Bay Name of watershed: West San Antonio Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 14 December 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the or the content of the con United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

| Lateral Extent of Jurisdiction: (Reference: 33 CFR p   | arta 220 a 1 220)      | FILE NUMBER: 24035                               |
|--|------------------------|--|
|  | arts 328 and 329)      |  |
| clear, natural line impressed on the bank  | High                   | ide Line indicated by:                           |
| the presence of litter and debris  |                        | il or scum line along shore objects              |
| changes in the character of soil   | <u> </u> I             | ine shell or debris deposits (foreshore)         |
| destruction of terrestrial vegetation  | <u></u>                | nysical markings/characteristics                 |
| ☐ shelving   |                        | dal gages  |
| other:   | ه ل                    | ther:  |
| Mean High Water Mark indicated by  |                        |  |
|  |                        |  |
| survey to available datum; physical marking  | s; 🗌 vegetation lin    | es/changes in vegetation types.                  |
| Wetland boundaries, as shown on the attached wetl  | and dating at          | , specific                                       |
| on the dituency well   | and defineation map    | and/or in a delineation report prepared by:      |
|  |                        | -  |
| Basis For Not Asserting Jurisdiction:  |                        |  |
| The reviewed area consists entirely of uplands. Unable to confirm the presence of uplands.   |                        |  |
|  | part 328(a)(1, 2, or   | 4-7).  |
| Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination of   | basis of 33 CFR pa     | rt 328.3(a)(3).                                  |
| The Corps has made a case-specific determination the United States:  | at the following wa    | ters present on the site are not Waters of the   |
| Waste treatment systems, including the   |                        | and waters of the                                |
|  | ponds or lagoons,      | pursuant to 33 CFR part 328.3                    |
| Artificially irrigated areas, which would reve   | rt to upland if the in | rigation ceased.                                 |
| Artificial lakes and ponds created by excavat  | ing and/or diking dr   | y land to collect and                            |
| retain water and which are used exclusively frice growing.   | or such purposes as    | stock watering, irrigation, settling basins or   |
| Artificial reflecting or swimming mode and   | l                      |  |
| by excavating and/or diking dry land to retain  Water-filled depressions created in dry land is  | woter for a si         | bodies of water created                          |
| Water-filled depressions created in dry land:  | water for primarily    | aesthetic reasons.                               |
| the purpose of obtaining fill, sand, or gravel u<br>abandoned and the resulting body of water me   | nless and until the    | tion activity and pits excavated in dry land for |
| abandoned and the resulting body of water me   | ets the definition of  | onstruction or excavation operation is           |
| abandoned and the resulting body of water me   | ous the definition of  | waters of the United States found at 33 CFR      |
| Isolated, intrastate wetland with no nexus to in   | iterstate commerce     |  |
| Prior converted cropland, as determined by th  | Natural Resources      | Conservation Service Evaloin and and             |
| Non-tidal drainage or imigation divide   | _                      | Explain rationale:                               |
| Non-tidal drainage or irrigation ditches excava Other (explain):   | ited on dry land. Ex   | plain rationale:                                 |
| . ,  |                        |  |
| DATA DEVIEWED FOR MURATER TO   |                        |  |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on babels of   | ATION (mark all 1      | hat apply).                                      |
| Maps, plans, plots or plat submitted by or on behalf of  | the applicant.         |  |
|  | A 1                    |  |
| This office concurs with the delineation report, da  This office does not concur with the delineation re  Data sheets prepared by the Communication re | ed , prepared          | by (company):                                    |
| Data sheets prepared by the Corps.   | port, dated , p        | repared by (company):                            |
| Corps' navigable waters' studies:  |                        | • • •  |
| U.S. Geological Survey Hydrologic Atlant   |                        |  |
| U.S. Geological Survey 7.5 Minute Tonograph:   | Donath and Donath and  |  |
|  |                        | as   |
| C.O. Geological Survey 13 Minute Historia and 1  |                        |  |
| CODA Natural Resources Concomistion C  | irvev                  |  |
| rational wetianus inventory mans.  | 1.05.                  |  |
| State/Local wetland inventory maps:  |                        |  |
| 100-year Floodalais Fl   |                        |  |
| 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):   |                        |  |
| Other photographs (Date):  |                        |  |
| Advanced Identification Wetland maps:  |                        |  |
| Site visit/determination conducted on:   |                        |  |
| Applicable/supporting case law:  |                        |  |
| Other information (please specify):  |                        |  |
| T  |                        |  |
|  | Í.                     |  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DIST | RICT | OFFI | CE:  | CESWG |
|------|------|------|------|-------|
| FILE | NUM  | RFD. | 2403 | 26    |

| FILE                       | NUMBER: 24036   |  |
|----------------------------|---|--|
| St<br>Co<br>Co<br>Ap<br>Na | ect Location information:  ate: Texas  bunty: Harris  enter coordinates of site (latitude/longitude): 2  proximate size of area (parcel) reviewed, including to the size of nearest waterway: Houston Ship Channel time of watershed: Galveston Bay | 29.7253N; 95.2553W<br>plands: 1 acres.   |
| JURIS<br>Co                | C:  | Date: 14 Dec 05 Date(s):   |
| Ju                         | risdictional Determination (JD):  |  |
| E                          | Preliminary JD - Based on available information [   | there appear to be (or) there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable   |
| Ø                          | Approved JD – An approved JD is an appealable as Check all that apply:  | tion (Reference 33 CFR part 331).  |
|                            | There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction   | s" (as defined by 33 CFR part 329 and associated guidance) within all area: 1 acre.  |
|                            | There are "waters of the United States" (as defireviewed area. Approximate size of jurisdictional a   | ned by 33 CFR part 328 and associated guidance) within the rea:  |
|                            | There are "isolated, non-navigable, intra-state of Decision supported by SWANC Jurisdiction.  | waters or wetlands" within the reviewed area.<br>C/Migratory Bird Rule Information Sheet for Determination of No   |
| BASIS (                    | OF JURISDICTIONAL DETERMINATION:  |  |
| A.                         | Waters defined under 33 CFR part 329 as "navio  | d flow of the tide and/or are presently used, or have been used in   |
| B.                         | (2) The presence of interstate waters including inters<br>(3) The presence of other waters such as intrastate la<br>sandflats, wetlands, sloughs, prairie potholes, wet medestruction of which could affect interstate commerce                     | , or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide.  state wetlands <sup>1</sup> .  kes, rivers, streams (including intermittent streams), mudflats, eadows, playa lakes, or natural pends, the use decordation are |

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
(iii) which are or could be used for industrial purposes by industries in interstate commerce.
(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lateral Extent of Jurisdiction: (Reference: 33 of Ordinary High Water Mark indicated by:  clear, natural line impressed on the band the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  Mean High Water Mark indicated by:  survey to available datum; physical material physical material wegetands on the attacked.   | rkings: \( \text{vegetation}  | gh Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|---|---|---|
| Wetland boundaries, as shown on the attached  | wetland delineation n   | non as 1/   |
|   | and defineation n   | nap and/or in a delineation report prepared by:   |
| The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 Headquarters declined to approve jurisdiction of The Corps has made a case-specific determination United States:  Waste treatment systems, including treat Artificially irrigated areas, which would Artificial lakes and ponds created by exception water and which are used exclusive rice growing.  Artificial reflecting or swimming pools of by excavating and/or diking dry land to rewards the purpose of observer.   | CFR part 328(a)(1, 2, a the basis of 33 CFR on that the following ment ponds or lagoon revert to upland if the twating and/or diking ly for such purposes a other small ornamentain water for primari dincidental to construct unless and until the meets the definition of interstate commerces the Natural Resource of the Natural Resource | or 4-7). part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or tal bodies of water created ly aesthetic reasons. uction activity and pits excavated in dry land for construction or excavation operation is of waters of the United States found at 33 CFR |
| Maps, plans, plots or plat submitted by or on behalf Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, or This office does not concur with the delineation Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 15 Minute Historic quadrange U.S. Geological Survey 15 Minute Historic quadrange U.S. Geological Survey 15 Minute Historic quadrange U.S. Autural Resources Conservation Service Soil State/Local wetland inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | e applicant. lated , prepared report, dated , p   | that apply): by (company): prepared by (company):   |
| tlands are identify t   |   |   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRICT OFFICE: CESWG   |  |
|--|--|
| FILE NUMBER: D-17/36   |  |
| PROJECT LOCATION INFORMATION:  |  |
| State: Texas   |  |
| County: Montgomery   |  |
| Center coordinates of site (latitude/longitude): Site A 3  | 0° 12' 03"N, 95° 11' 08"W  |
| Site B 3   | 0° 12' 19"N, 95° 10' 57"W  |
| Approximate size of area (parcel): n/a   |  |
| Nearest Waterway: Mares' Branch and Peach Creek  |  |
| Name of watershed: San Jacinto River   |  |
| HIDIODICALONIA   |  |
| JURISDICTIONAL DETERMINATION   |  |
|  | ate: 12/14/05  |
|  | te(s): 11/22/05  |
| Jurisdictional Detarmine (* 772)   |  |
| Jurisdictional Determination (JD):   |  |
| Preliminary JD - Based on available information,   | there appear to be (or) there appear to be no "waters of the   |
|  | intere appear to be (or) if there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
| (Reference 33 CFR part 331).   | representation of profitting y 3D is not appealable  |
| Approved ID An approved ID is an approach to accomp  |  |
| Approved JD — An approved JD is an appealable act Check all that apply:  | ion (Reference 33 CFR part 331).   |
| Check an that appry:   | ,  |
| There are "navigable waters of the I laited Go   |  |
| the reviewed area. Approximate size of jurisdictions   | " (as defined by 33 CFR part 329 and associated guidance) within   |
| Transmit of the organisation of  | al ca.   |
| There are "waters of the United States" (as defin  | ed by 33 CFR part 328 and associated guidance) within the  |
| reviewed area. Approximate size of jurisdictional ar   | ea:Mares' Branch = 0.23ac and Peach Creek = 2.86ac.  |
|  |  |
| There are "isolated, non-navigable, intra-state w  | aters or wetlands" within the reviewed area  |
| Decision supported by SWANC  | Migratory Bird Rule Information Sheet for Determination of No  |
| Jurisdiction.  | 01110  |
| BASIS OF JURISDICTIONAL DETERMINATION:   |  |
| A. Waters defined under 33 CFR part 329 as "navigation of parts and parts an |  |
| The presence of waters that are subject to the ebb and   | Die waters of the United States":  |
| the past, or may be susceptible for use to transport in  | flow of the tide and/or are presently used, or have been used in   |
|  |  |
| B. Waters defined under 33 CFR part 328.3(a) as "w   | aters of the United States?  |
| (1) The presence of waters, which are currently need   | OF 11/000 1100 1 11 11 1   |
| walke of the continue of the c | /DICD are cubiact to the abla and direction of   |
|  |  |
| (3) The presence of other waters such as intractate lab  | as rivers stresses (1. 1. 1)   |
|  |  |
|  |  |
| - ''' '''' '''' '''' '''' '''' '''' ''   | Pion travalare to measure time 1   |
|  | Ken and cold in interestate on facilities  |
| () " the of could be used for industrial blift   | Michael De la Contraction de l |
| (4) Impoundments of waters otherwise defined as wat (5) The presence of a tributary to a water identified in   | erc of the LIC   |
| (6) The presence of territorial seas.  | (1) – (4) above.   |
| (7) The presence of wetlands adjacent <sup>2</sup> to other waters   | of the LIC C. d.   |
| waters   | of the US, except for those wetlands adjacent to other wetlands.   |
| Rationale for the Basis of Jurisdictional Determination  | applies to any boxes checked above). If the jurisdictional   |
|  |  |
| Waters If D(1) - D(2)  | document navigability and/or interstate commerce connection  |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Mares' Branch and Peach Creek eventually flow into the San Jacinto River, a navigable water of the United States.

| FILE NUMBER: D-17136  | , and the second |
|---|--|
| Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 3  Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Photos  | 28 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
| Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical marking   | s; vegetation lines/changes in vegetation to make  |
| Wetland boundaries, as shown on the attached wetl   | and delineation map and/or in a delineation report prepared by:  |
| Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination the United States:  Waste treatment systems, including treatmen Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavata retain water and which are used exclusively frice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel u abandoned and the resulting body of water me 328.3(a).  Isolated, intrastate wetland with no nexus to in Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excava Other (explain): | part 328(a)(1, 2, or 4-7). basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of the tponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for activity and pits excavated in dry land for a state the definition of activity and pits excavated in dry land for a state the definition of activity and pits excavated in dry land for a state the definition of activity and pits excavated in dry land for a state the definition of activity and pits excavated in dry land for a state the definition of activity and pits excavated in dry land for a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 33 CFR and a state of the United States found at 34 CFR and a state of the United States found at 34 CFR and a state of the United States found at 34 CFR and a state of the United States found at 34 CFR and a state of the United States found at 34 CFR a |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN    Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the Data sheets prepared by the Corps.   This office does not concur with the delineation report, date   | pplicant. pplicant. ed _ Dec 8, 2005_, prepared by (company): Quadrant  cort, dated _, prepared by (company):  Splendora  servey: Montgomery County  |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

U.S. Army Corps of Engineers

| <b>DISTRICT OFFICE:</b> Galveston District <b>FILE NUMBER:</b> D-18021   |  |
|--|--|
| PROJECT LOCATION INFORMATION: State: Texas County: Hidalgo Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including to Name of nearest waterway: Hackney Inlet Name of watershed: Rio Grande   | 26-18-16.36 98-11-36.83 plands: approx. 12.5 acres.  |
|  | Pate: 14 December 2005 ate(s):   |
| Jurisdictional Determination (JD):   |  |
| Preliminary JD - Based on available information [  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
| Approved JD – An approved JD is an appealable ac Check all that apply:   | tion (Reference 33 CFR part 331).  |
| ☐ There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction  | (as defined by 33 CFR part 329 and associated guidance) within al area:  |
| There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional a   | ned by 33 CFR part 328 and associated guidance) within the rea:  |
| ☐ There are "isolated, non-navigable, intra-state was Decision supported by SWANC Jurisdiction.  | vaters or wetlands" within the reviewed area.  C/Migratory Bird Rule Information Sheet for Determination of No   |
| BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navig  The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport in  | difference of the tile 1/  |
| B. Waters defined under 33 CFR part 328.3(a) as "w  (1) The presence of waters, which are currently used interstate or foreign commerce, including all waters (2) The presence of interstate waters including inters (3) The presence of other waters such as intrastate lais sandflats, wetlands, sloughs, prairie potholes, wet me destruction of which could affect interstate commerce  (i) which are or could be used by interstate or for (ii) from which fish or shellfish are or could be to (iii) which are or could be used for industrial pure (4) Impoundments of waters otherwise defined as water (5) The presence of a tributary to a water identified in (6) The presence of wetlands adjacent² to other water | aters of the United States":  or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide. Late wetlands!  ces, rivers, streams (including intermittent streams), mudflats, adows, playa lakes, or natural ponds, the use, degradation or including any such waters (check all that apply):  reign travelers for recreational or other purposes. Laken and sold in interstate or foreign commerce.  poses by industries in interstate commerce.  ters of the US.  (1) – (4) above. |
| Rationale for the Basis of Jurisdictional Determination water or wetland is not itself a navigable water of the Unit   | (applies to any boxes checked above). If the jurisdictional ed States, describe connection(s) to the downstream navigable  |

(i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

JMBER: D-1862/

| Lateral Extent of Jurisdiction: (Reference: 33 CFR p  Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | arts 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|---|
| <ul> <li>Mean High Water Mark indicated by:</li></ul>  | and delineation map and/or in a delineation report prepared by:   |
| The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination the United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would revert and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or oft by excavating and/or diking dry land to retain water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water made 328.3(a).  Isolated, intrastate wetland with no power to the service of the same and the purpose of the same and the present a same and the present and the prese | part 328(a)(1, 2, or 4-7). basis of 33 CFR part 328.3(a)(3). nat the following waters present on the site are not Waters of the 1 ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. Ing and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or ler small ornamental bodies of water created 1 water for primarily aesthetic reasons. 1 Incidental to construction activity and pits excavated in dry land for 1 Incidental to construction or excavation operation is 1 Incidental to construction of waters of the United States found at 33 CFR 1 Interstate commerce. 2 Interstate commerce. 3 Interstate commerce. 4 Interstate commerce. 5 Interstate commerce. 6 Interstate commerce. 7 Interstate commerce. |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf of the  □ Data sheets prepared/submitted by or on behalf of the  □ This office concurs with the delineation report, da  □ This office does not concur with the delineation report, da  □ This office does not concur with the delineation report, da  □ Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps  U.S. Geological Survey 7.5 Minute Historic quadrangle  U.S. Geological Survey 15 Minute Historic quadrangle  U.S. Geological Survey 15 Minute Historic quadrangle  USDA Natural Resources Conservation Service Soil State/Local wetlands inventory maps:  State/Local wetland inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): City of Edint 100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):   | the applicant. applicant. ted , prepared by (company): port, dated , prepared by (company):  Edinburg es:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology)

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRICT OFFICE: CESWG<br>FILE NUMBER: D-18032   |   |
|--|---|
| PROJECT LOCATION INFORMATION: State: TX County: Hidalgo Center coordinates of site (latitude/longitude/Approximate size of area (parcel) reviewed Name of nearest waterway: Irrigation Ditch Name of watershed: Rio Grande River   | I, including uplands: .5 acres.   |
| JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s)  | Date: 14 December 2005 Date(s):   |
| Jurisdictional Determination (JD):   |   |
| Preliminary JD - Based on available in   | iformation, there appear to be (or) there appear to be no "waters of the rs of the United States" on the project site. A preliminary JD is not appealable   |
| Approved JD – An approved JD is an a Check all that apply:   | appealable action (Reference 33 CFR part 331).  |
| ☐ There are "navigable waters of the the reviewed area. Approximate size of  | United States" (as defined by 33 CFR part 329 and associated guidance) within f jurisdictional area:  |
| There are "waters of the United Stareviewed area. Approximate size of just   | ites" (as defined by 33 CFR part 328 and associated guidance) within the risdictional area:   |
| ☐ There are "isolated, non-navigable, ☐ Decision supported Jurisdiction.   | , intra-state waters or wetlands" within the reviewed area.  I by SWANCC/Migratory Bird Rule Information Sheet for Determination of No  |
| The presence of waters that are subject  | ATION: 29 as "navigable waters of the United States": to the ebb and flow of the tide and/or are presently used, or have been used in the transport interstate or foreign commerce.   |
| (2) The presence of interstate waters ind (3) The presence of other waters such as sandflats, wetlands, sloughs, prairie pot destruction of which could affect interst  (i) which are or could be used by in  (ii) from which fish or shellfish are  (iii) which are or could be used for  (4) Impoundments of waters otherwise of (5) The presence of a tributary to a water  (6) The presence of territorial seas. | urrently used, or were used in the past, or may be susceptible to use in a large all waters which are subject to the ebb and flow of the tide. Cluding interstate wetlands. It is intrastate lakes, rivers, streams (including intermittent streams), mudflats, wholes, wet meadows, playa lakes, or natural ponds, the use, degradation or late commerce including any such waters (check all that apply): the stress of the use or could be taken and sold in interstate or foreign commerce. Industrial purposes by industries in interstate commerce. |
| water of welland is not listly a navigable wat waters. If $B(1)$ or $B(3)$ is used as the Basis of   | termination (applies to any boxes checked above). If the jurisdictional ter of the United States, describe connection(s) to the downstream navigable of Jurisdiction, document navigability and/or interstate commerce connection the waterbody is navigable and/or how the destruction of the waterbody could  |

affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to determination: determination:

|  | 2  |
|--|--|
| Lateral Extent of Jurisdiction: (Reference: 33 CFR particles)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving  other:   | arts 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
| ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking   | s;  vegetation lines/changes in vegetation types   |
| Wetland boundaries, as shown on the attached wetla   | and delineation map and/or in a delineation report prepared by:  |
| Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination th United States:  Waste treatment systems, including treatmen Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavat retain water and which are used exclusively f rice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel u abandoned and the resulting body of water me 328.3(a).  Isolated, intrastate wetland with no peace to in   | part 328(a)(1, 2, or 4-7). basis of 33 CFR part 328.3(a)(3). last the following waters present on the site are not Waters of the t ponds or lagoons, pursuant to 33 CFR part 328.3. In the irrigation ceased. In gand/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or her small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for neless and until the construction or excavation operation is exercise the definition of waters of the United States found at 33 CFR interstate commerce. Explain rationale: |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN    Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the late of This office concurs with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date and plates:    U.S. Geological Survey 1.5 Minute Topographic maps:   U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 1.5 Minute Hi | the applicant. applicant. ed , prepared by (company): port, dated , prepared by (company):  Donna Quad es:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology)

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRICT OFFICE: CESWG<br>FILE NUMBER: D-18033  |  |
|---|--|
| PROJECT LOCATION INFORMATION: State: TX County: Hidalgo Center coordinates of site (latitude/longitu Approximate size of area (parcel) reviewed Name of nearest waterway: Irrigation Ditc Name of watershed: Rio Grande River   | d, including uplands: .5 acres.  |
| JURISDICTIONAL DETERMINATION  |  |
| Completed: Desktop determination Site visit(s)  | Date: 14 December 2005 Date(s):  |
| Jurisdictional Determination (JD):  |  |
| Preliminary JD - Based on available in  | nformation, there appear to be (or) there appear to be no "waters of the ers of the United States" on the project site. A preliminary JD is not appealable   |
| Approved JD – An approved JD is an Check all that apply:  | appealable action (Reference 33 CFR part 331).   |
| ☐ <i>There are</i> "navigable waters of the the reviewed area. Approximate size   | e United States" (as defined by 33 CFR part 329 and associated guidance) within of jurisdictional area:  |
| ☐ There are "waters of the United St reviewed area. Approximate size of ju  | tates" (as defined by 33 CFR part 328 and associated guidance) within the urisdictional area:  |
| ☐ There are "isolated, non-navigable ☐ Decision supporte Jurisdiction.  | e, intra-state waters or wetlands" within the reviewed area.  Ed by SWANCC/Migratory Bird Rule Information Sheet for Determination of No   |
| ine presence of waters that are subject   | ATION: 329 as "navigable waters of the United States": t to the ebb and flow of the tide and/or are presently used, or have been used in to transport interstate or foreign commerce.  |
| (1) The presence of waters, which are interstate or foreign commerce, including (2) The presence of interstate waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie por destruction of which could affect intersuction (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water (6) The presence of territorial seas. | as intrastate lakes, rivers, streams (including intermittent streams), mudflats, otholes, wet meadows, playa lakes, or natural ponds, the use, degradation or state commerce including any such waters (check all that apply): interstate or foreign travelers for recreational or other purposes. The or could be taken and sold in interstate or foreign commerce. The industrial purposes by industries in interstate commerce. |
| water or wettand is not itself a navigable we waters. If $B(1)$ or $B(3)$ is used as the Basis $G(3)$   | Determination (applies to any boxes checked above). If the jurisdictional atter of the United States, describe connection(s) to the downstream navigable of Jurisdiction, document navigability and/or interstate commerce connection the waterbody is navigable and/or how the destruction of the waterbody could   |

affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to determination. determination:

| La<br>□  | ateral Extent of Jurisdiction: (Reference: 33 CFR part of Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | rts 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
|----------|--|--|
| <u> </u> | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings  | s;  vegetation lines/changes in vegetation types.  |
|          |  | nd delineation map and/or in a delineation report prepared by:   |
|          | <ul> <li>Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.</li> <li>Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel unabandoned and the resulting body of water med 328.3(a).</li> <li>Isolated, intrastate wetland with no nexus to imprior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavato Other (explain):</li> </ul>  | basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of the sponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In gand/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for neless and until the construction or excavation operation is sets the definition of waters of the United States found at 33 CFR interstate commerce. The Natural Resources Conservation Service. Explain rationale: atted on dry land. Explain rationale: |
|          | Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, da This office does not concur with the delineation re Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps  U.S. Geological Survey 7.5 Minute Historic quadrangle  U.S. Geological Survey 15 Minute Historic quadrangle  U.S. Geological Survey 15 Minute Historic quadrangle  U.S. Astural Resources Conservation Service Soil Sonational wetlands inventory maps: Citrus City  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | the applicant. applicant. ted , prepared by (company): eport, dated , prepared by (company):  : Citrus City Quad es:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTR<br>FILE I                         | NUMBER: SWG 05-07-035  |
|---|--|
| St<br>Co<br>Ce<br>Ap<br>Na              | ECT LOCATION INFORMATION:  ate: Texas  bunty: Brazoria  enter coordinates of site (latitude/longitude): 29 34' 58"N, 95 25' 00"W (NAD 27)  poproximate size of area (parcel) reviewed, including uplands: 0.012 acres.  ame of nearest waterway: Clear Creek  ame of watershed: West Galveston Bay   |
| JURIS<br>Co                             | DICTIONAL DETERMINATION  completed: Desktop determination  |
| Too                                     |  |
| -                                       | risdictional Determination (JD):   |
|   | Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).   |
| Ø                                       | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:  |
|   | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acres.  |
|   | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.012 acres.  |
|   | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.  |
| BASIS (                                 | OF JURISDICTIONAL DETERMINATION:   |
| <u>A.</u>                               | Waters defined under 33 CFR part 329 as "navigable waters of the United Second   |
| *************************************** | the past, or may be susceptible for use to transport interstate or foreign commerce.   |
| В.<br>П                                 | Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  |
| <b>1</b>                                | (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  |
|   | (=) 110 produce of intended waters inclining intercepts wotlands   |
|   | (3) The presence of other waters such as intrastate lakes, riversal streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet moderness, the label of the presence of the presen |
|   | sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  |
|   | (1) Which are or could be used by interstate or foreign travelers for records and an all   |
|   | (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  |
|   | (1) Impoundments of waters officer as waters of the 110  |
|   | <ul> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>   |
|   | (7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands   |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are contiguous with Clear Creek, which is a navigable water of the United States, downstream from the proposed project location.

| La                    | ateral Extent of Jurisdiction: (Reference: 33 CFR pa  | FILE NUMBER: SWG 05-07-035  |
|-----------------------|---|---|
| $\boxtimes$           | Ordinary High Water Mark indicated by:  | ns 328 and 329)   |
|                       | clear, natural line impressed on the bank   | High Tide Line indicated by:  |
|                       | the presence of litter and debris   | oil or scum line along shore objects fine shell or debris deposits (foreshore)  |
|                       | changes in the character of soil  | physical markings/characteristics   |
|                       | destruction of terrestrial vegetation   | tidal gages   |
|                       | shelving other; photos, project plans   | other:  |
|                       | ☑ other: photos, project plans  |   |
|                       |   |   |
|                       | survey to available datum; physical marking   | S: Vegetation lines/shares :  |
| 678                   |   |   |
| M                     | Wetland boundaries, as shown on the attached wetla<br>Oliver and Associates, Inc.                             | nd delineation map and/or in a delineation report prepared by: Berg   |
| Bas                   | sis For Not Asserting Jurisdiction:   | 7,  |
|                       | The reviewed area consists entirely of unlands  |   |
|                       | Unable to confirm the presence of waters in 33 CFR  | part 328(a)(1, 2, or 4-7)   |
|                       | Troudquarters declined to approve introduction on the   | hogic of 22 CED 1200 of No.   |
|                       | The Corps has made a case-specific determination the United States:   | at the following waters present on the site are not Waters of the   |
|                       |   |   |
|                       | Artificially irrigated areas, which would read  | ponds or lagoons, pursuant to 33 CFR part 328.3.  |
|                       | Artificially irrigated areas, which would reve  | ng and/or diling double land and  |
|                       | retain water and which are used exclusively to  | or such purposes as stock watering, irrigation, settling basins, or   |
|                       |   |   |
|                       | Artificial reflecting or swimming pools or oth  | er small ornamental bodies of water created   |
|                       | of oned dening and/of diking the land to retain   | Water for neimonile, and at   |
|                       |   | recidental to construction activity and pits excavated in dry land for  |
|                       |   | nless and until the construction or excavation operation is seets the definition of waters of the United States found at 33 CFR |
|                       |   |   |
|                       | Isolated, intrastate wetland with no nexus to in  | iterstate commerce.   |
|                       | Prior converted cropland, as determined by th   | e Natural Resources Conservation Service. Explain rationale:  |
|                       | Non-tidal drainage or irrigation ditches excava   |   |
|                       | Other (explain):  | ited oil dry land. Explain rationale:   |
| DATADI                | EVIDAND NOT THE   |   |
| DATA KI               | EVIEWED FOR JURSIDICTIONAL DETERMIN   | ATION (mark all that apply):  |
|                       | Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the | the applicant   |
|                       | This office concurs with the delineation report do  | applicant. ted August 2005, prepared by (company): Berg Oliver  |
|                       |   | crown dated prepared by (company): Berg Oliver  |
|                       | Data sneets prepared by the Corps   | eport, dated , prepared by (company):   |
|                       | Corps' navigable waters' studies:   |   |
|                       | U.S. Geological Survey Hydrologic Atlas:  |   |
| J 🔯<br>J 🔲            | U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrangl       | : Almeda, Texas   |
| J 🔲                   | U.S. Geological Survey 15 Minute Historic quadrangle  | es:   |
|                       | USDA Natural Resources Conservation Service Soil &  | urvey: U.S.D.A. (digital)   |
|                       | reactional wettailds inventory maps:  |   |
|                       | State/Local wetland inventory maps:   |   |
| S<br>F<br>I<br>A<br>O | FEMA/FIRM maps (Map Name & Date): digital map s<br>100-year Floodplain Elevation is: (NGVD)                   | ubmitted with application (undated)   |
| Ø A                   | 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): unnamed 1995; ur                   |   |
| 🛛 o                   | with provograpits (Date). Site Photographs (findstad)   | manied 2004 (submitted with application)  |
| ■ A                   | Advanced Identification Wetland mane:   |   |
|                       | site visit/determination conducted on   |   |
|                       | Applicable/supporting case law:   |   |
|                       | Other information (please specify): DA permit 22918   |   |
| lW/otlands            |   |   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wet lands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

|                            | NUMBER: SWG-05-12-044  |   |
|----------------------------|--|---|
| St<br>Co<br>Ce<br>Ap<br>Na | ECT LOCATION INFORMATION: ate: Texas bunty: Harris enter coordinates of site (latitude/longitude): bproximate size of area (parcel) reviewed, including tame of nearest waterway: Taylor Lake ame of watershed: Clear Lake | 29.5928N; 95.0381W<br>g uplands: 1 acres.   |
|                            | DICTIONAL DETERMINATION  ompleted: Desktop determination  Site visit(s)  | Date: 14 Dec 05 Date(s):  |
| Ju                         | risdictional Determination (JD):   |   |
|                            | Preliminary JD - Based on available information  | there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| B                          | Approved JD – An approved JD is an appealable Check all that apply:  | e action (Reference 33 CFR part 331).   |
|                            | There are "navigable waters of the United St. the reviewed area. Approximate size of jurisdict   | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:   |
|                            | There are "waters of the United States" (as dreviewed area. Approximate size of jurisdictions  | defined by 33 CFR part 328 and associated guidance) within the al area: 0.112 acre.   |
|                            | There are "isolated, non-navigable, intra-stated Decision supported by SWA Jurisdiction.   | nte waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.               |
| BASIS (                    | OF JURISDICTIONAL DETERMINATION:   |   |
| <b>A.</b>                  | Waters defined under 33 CFR part 329 as "na  | and flow of the tide and/or are presently used or have been used in   |
| В.                         |  | s "waters of the United States":  |
|                            | (1) The presence of waters, which are currently u  | ised, or were used in the past, or may be susceptible to use in   |
|                            | (2) The presence of interstate waters including in: (3) The presence of other waters such as intrastate  | e lakes, rivers, streams (including intermittent streams), mudflats   |
|                            | destruction of which could affect interstate comm  | t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):           |
|                            | (1) which are or could be used by interstate of  | r foreign travelers for recreational or other purposes  |
|                            | (iii) which are or could be used for industrial  | be taken and sold in interstate or foreign commerce.  purposes by industries in interstate commerce.                                |
|                            | (4) Impoundments of waters otherwise defined as  | waters of the US.   |
|                            | <ul><li>(5) The presence of a tributary to a water identifie</li><li>(6) The presence of territorial seas.</li></ul>   | $d \ln (1) - (4)$ above.  |
|                            | (7) The presence of wetlands adjacent <sup>2</sup> to other w  | raters of the US, except for those wetlands adjacent to other wetlands.   |
| Rati                       |  | tion (applies to any boxes checked above). If the jurisdictional  |
| wate                       | er or wetland is not itself a navigable water of the l   | United States, describe connection(s) to the downstream navigable   |
| wate                       | ers. If $B(1)$ or $B(3)$ is used as the Basis of Jurisdict   | tion, document navigability and/or interstate commerce connection   |
| /1 0                       | discuss site conditions in all discuss to all the  |   |

(i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) FILE NUMBER: SWG-05-12-044 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank High Tide Line indicated by: the presence of litter and debris oil or scum line along shore objects fine shell or debris deposits (foreshore) changes in the character of soil destruction of terrestrial vegetation physical markings/characteristics ☐ tidal gages ☐ shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. , prepared by (company): Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: League City, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The applicant has requested a wetland verification. The verification file number is: D-17996.

2 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) **FILE NUMBER: 24033** Ordinary High Water Mark indicated by: clear, natural line impressed on the bank High Tide Line indicated by: the presence of litter and debris oil or scum line along shore objects changes in the character of soil fine shell or debris deposits (foreshore) destruction of terrestrial vegetation physical markings/characteristics ☐ tidal gages other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. , prepared by (company): Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tamina U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Advanced Identification Wetland maps:

☐ shelving

Other photographs (Date):

Applicable/supporting case law: Other information (please specify):

Site visit/determination conducted on: 9 August 2005

other:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 24038** PROJECT LOCATION INFORMATION: State: Louisiana County: Cameron Parish Center coordinates of site (latitude/longitude): 30.0201N; 93.6290W Approximate size of area (parcel) reviewed, including uplands: 1 acres. Name of nearest waterway: Black Bayou Name of watershed: Sabine Lake JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 15 Dec 05 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Market There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| L:   | ateral Extent of Jurisdiction: (Reference: 33 CFR Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | parts 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|--|--|---|
|  |  | gs;  vegetation lines/changes in vegetation types.  |
|  | Wetland boundaries, as shown on the attached wet   | lland delineation map and/or in a delineation report prepared by:   |
|  | is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFI Headquarters declined to approve jurisdiction on th The Corps has made a case-specific determination of United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would reveal and the purpose of obtaining fill, sand, or gravel of the purpose of obtaining fill, sand, or gra | R part 328(a)(1, 2, or 4-7). e basis of 33 CFR part 328.3(a)(3). that the following waters present on the site are not Waters of the nt ponds or lagoons, pursuant to 33 CFR part 328.3. ert to upland if the irrigation ceased. ting and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or her small ornamental bodies of water created n water for primarily aesthetic reasons. incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR nterstate commerce. e Natural Resources Conservation Service. Explain rationale: ated on dry land. Explain rationale: |
| Dat  Dat  Cor  U.S  U.S  U.S  USI  Nati  State  FEM  100- Aeriz  Othe  Adva  Appli | ATEWED FOR JURSIDICTIONAL DETERMINATES, plans, plots or plat submitted by or on behalf of the aps, plans, plots or plat submitted by or on behalf of the atta sheets prepared/submitted by or on behalf of the atta sheets prepared by the Corps. This office does not concur with the delineation reta sheets prepared by the Corps. This office does not concur with the delineation reta sheets prepared by the Corps. This office does not concur with the delineation reta sheets prepared by the Corps. This office does not concur with the delineation reta sheets prepared by the Corps. This office does not concur with the delineation report, and sheets prepared by the Corps. This office does not concur with the delineation report, and Hotographs Conservations and the delineation of the Corps. This office does not concur with the delineation report, and the delineation report, and the delineation report, and the delineation for the delineation of the delineation of the delineation report, and the delineation of the delineation report, and the delineation of the delineation report, and the delineation report, and the delineation report, and the delineation conducted on: in the delineation report, and the | applicant.  applicant.  ted , prepared by (company):  port, dated , prepared by (company):  Orange, Texas  s:   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| DISTRICT OF<br>FILE NUMBE |             |
|---------------------------|-------------|
| PROJECT LO                | CATION INFO |
| State:                    | Texas       |
| Carretan                  | Managemen   |

**ORMATION:** 

Montgomery

Center coordinates of site (latitude/longitude): 30.3970N; 95.6417W Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Lake Conroe Name of watershed: San Jacinto River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 15 Dec 05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.



Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.

2 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) FILE NUMBER: 24040 Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Montgomery, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| FILE PROJ | tate:<br>County:<br>Center coord<br>Approximate | : ATION IN Texas Harris linates of si e size of are erway: Pilo | CESWG D-17464 IFORMATION:  te (latitude/longituse (parcel): 338 autot Gully and Cypring Creek | cres   | 2                           | 29° 59'   | 16"N, 95°   | <sup>9</sup> 33' 55"W  |   |
|-----------|---|---|---|--|-----------------------------|---|---|--|---|
|           |   |   | RMINATION determination (s)   | ×<br>×   |                             | Date:<br>ate(s):                                    | 12/15/05<br>9/9/05  |  |   |
| J         | urisdiction                                     | al Determi  | nation (JD):  |  |                             |   |   |  |   |
|           | United S  | nary JD - B<br>States" and<br>nce 33 CFR                        | or "navigable wa  | informatio<br>ters of the                                  | n, [<br>Unit                | ] there ap<br>ted States'                           | opear to be (or<br>on the project                                       | r)  there appea<br>ct site. A prelimin   | r to be no "waters of the nary JD is not appealable |
| E         |   | ed JD – An<br>ll that appl                                      | approved JD is any:   | n appealabl  | le ac                       | tion (Refe  | erence 33 CFF   | R part 331).   |   |
|           | Ther  | e are "navi<br>ewed area.                                       | gable waters of the<br>Approximate size   | ne United S<br>e of jurisdic                               | tate<br>ction               | s" (as defi<br>nal area: _                          | ned by 33 CF  | R part 329 and as  | sociated guidance) within                           |
|           | Ther reviewed                                   | <i>e are</i> "wate<br>d area. Ap <sub>l</sub>                   | ers of the United S<br>proximate size of  | States" (as<br>jurisdiction                                | defi                        | ined by 33<br>area:                                 | CFR part 328<br>28.2-acres  | 8 and associated g   | guidance) within the                                |
|           | <b>⊠</b> Ther                                   | e are "isolo<br>🏻   | ated, non-navigab<br>Decision support<br>Jurisdiction.  | ole, intra-st<br>ted by SWA                                | ate<br>ANC                  | waters or<br>C/Migrat                               | wetlands" wit<br>ory Bird Rule  | hin the reviewed a Information Shee  | area.<br>et for Determination of No                 |
|           | . Waters The pres                               | defined un<br>ence of wa  | NAL DETERMIN<br>Ider 33 CFR part<br>ters that are subje<br>susceptible for us                 | t 329 as "n<br>ct to the eb                                | b ar                        | d flow of   | the tide and/o  | r are presently us   | ed, or have been used in                            |
| B<br>[2   | (1) The printerstate (2) The printerstate (2)   | presence of<br>e or foreign<br>presence of                      | der 33 CFR pare<br>waters, which are<br>commerce, inclu<br>interstate waters                  | e currently<br>ding all wa<br>including i                  | use<br>iters<br>nter        | d, or were<br>which are<br>state weth               | used in the pa<br>subject to the<br>ands <sup>1</sup> .                 | ast, or may be sus<br>e ebb and flow of  | the tide.   |
|           | sandflats<br>destructi<br>(i) v                 | s, wetlands,<br>on of which<br>which are of<br>from which       |   | ootholes, we<br>erstate come<br>interstate<br>are or could | et m<br>mer<br>or f<br>d be | neadows, p<br>ce includi<br>oreign tra<br>taken and | playa lakes, or<br>ng any such w<br>velers for recr<br>I sold in inters | natural ponds, the<br>vaters (check all the<br>eational or other pattate or foreign co | purposes.<br>mmerce.                                |
|           | (4) Impo<br>(5) The p<br>(6) The p              | oundments of oresence of oresence of                            | of waters otherwis<br>a tributary to a w<br>territorial seas.                                 | se defined a<br>ater identif                               | as w<br>ied                 | aters of th<br>in (1) – (4                          | e US.<br>) above.   |  | djacent to other wetlands.                          |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Pilot Gully and Cypress Creek are tributaries to Spring Creek and the San Jacinto River, a navigable water of the United States. The wetlands are adjacent to Cypress Creek and located in the 100-yr. Floodplain.

| FILE NUMBER: D-17464   |   |   |
|--|---|---|
| Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 3  Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  | High 7  | Fide Line indicated by: bil or scum line along shore objects ine shell or debris deposits (foreshore) hysical markings/characteristics dal gages ther:  |
| Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical marking  | s;  vegetation lin  | es/changes in vegetation to make  |
| Wetland boundaries, as shown on the attached wetland Berg Oliver   | nd delineation map  | and/or in a delineation report prepared by:   |
| Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination th United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel ur abandoned and the resulting body of water med 328.3(a).  Isolated, intrastate wetland with no nexus to im Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavate Other (explain):   | ponds or lagoons, p<br>t to upland if the irr<br>ng and/or diking dry<br>or such purposes as se<br>er small ornamental<br>water for primarily<br>cidental to construct<br>aless and until the co<br>ets the definition of | ers present on the site are not Waters of the sursuant to 33 CFR part 328.3. igation ceased. I land to collect and stock watering, irrigation, settling basins, or bodies of water created aesthetic reasons. It ion activity and pits excavated in dry land for postruction or excavation operation is waters of the United States found at 33 CFR |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMINA  Maps, plans, plots or plat submitted by or on behalf of the al  Data sheets prepared/submitted by or on behalf of the al  This office concurs with the delineation report, date  This office does not concur with the delineation report, date  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Survey 1.5 Minute Historic quadrangles:  U.S. Geological | pplicant. d_Oct 18, 2005_, port, dated_, prepare Satsuma and Tomba : vey: Harris County:  | repared by (company): Berg Oliver<br>d by (company):<br>II<br>Soil Survey   |

<sup>T</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-17706

| FILE I                          | UNIDER: D-1//00  |   |
|---------------------------------|--|---|
| Sta<br>Cor<br>Cer<br>App<br>Nar | unty: Harris   | 9° 48' 44"N, 95° 40' 09"W (WGS84/NAD83)<br>plands: 10 acres.  |
|                                 |  | Pate: 15 December 2005 Pate(s):   |
| Jur                             | isdictional Determination (JD):  |   |
| ×                               | Preliminary JD - Based on available information, United States" and/or "navigable waters of the Unit (Reference 33 CFR part 331).  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable   |
|                                 | Approved JD – An approved JD is an appealable ac Check all that apply:   | tion (Reference 33 CFR part 331).   |
|                                 | There are "navigable waters of the United States the reviewed area. Approximate size of jurisdiction   | s" (as defined by 33 CFR part 329 and associated guidance) within al area: unknown.   |
|                                 | There are "waters of the United States" (as defi reviewed area. Approximate size of jurisdictional a   | ned by 33 CFR part 328 and associated guidance) within the rea:   |
|                                 | There are "isolated, non-navigable, intra-state of Decision supported by SWANC Jurisdiction.   | waters or wetlands" within the reviewed area.<br>C/Migratory Bird Rule Information Sheet for Determination of N   |
| BASIS C                         | OF JURISDICTIONAL DETERMINATION:   |   |
| <u>A.</u>                       | Waters defined under 33 CFR part 329 as "navig   | d flow of the tide and/or are presently used, or have been used in  |
|                                 |  | , or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide.  |
|                                 | (3) The presence of other waters such as intrastate la sandflats, wetlands, sloughs, prairie potholes, wet m destruction of which could affect interstate commercial (i) which are or could be used by interstate or for | kes, rivers, streams (including intermittent streams), mudflats, eadows, playa lakes, or natural ponds, the use, degradation or e including any such waters (check all that apply):  oreign travelers for recreational or other purposes. |
|                                 | (iii) which are or could be used for industrial put (4) Impoundments of waters otherwise defined as we   | taken and sold in interstate or foreign commerce.  rposes by industries in interstate commerce.  aters of the US.   |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

| Lateral Extent of Jurisdiction: (Reference: 33 CFR )  | FILE NUMBER: D-17706  |
|---|---|
| Ordinary High Water Mark indicated by:  | Mats 328 and 329)   |
| clear, natural line impressed on the bank   | High Tide Line indicated by:  |
| the presence of litter and debris   | oil or scum line along shore objects  |
| changes in the character of soil  | ine shell or debris deposits (foreshore)  |
| destruction of terrestrial vegetation   | physical markings/characteristics   |
| shelving  | ☐ tidal gages   |
| other:  | dther:  |
| _   |   |
| Mean High Water Mark indicated by:  |   |
| survey to available datum. physical morbin  |   |
| physical markin   | gs;  vegetation lines/changes in vegetation types.  |
| Wetland boundaries, as shown on the attached was  | and delineation map and/or in a delineation report prepared by:   |
| on the attached well  | and delineation map and/or in a delineation report prepared by:   |
|   |   |
| Basis For Not Asserting Jurisdiction:   |   |
| Ine reviewed area consists entirely of unland   |   |
| Uliable to confirm the presence of waters in 22 oper  | 200()(1.0   |
| Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination   | part 328(a)(1, 2, or 4-7).  |
| The Corps has made a case-specific determination  | Dasis of 33 CFR part 328.3(a)(3).   |
| United States:  | basis of 33 CFR part 328.3(a)(3).  that the following waters present on the site are not Waters of the  |
| Waste treatment systems, including treatment  |   |
| Artificially irrigated areas, which would rev   | points or lagoons, pursuant to 33 CFR part 328.3.   |
|   |   |
| retain water and which are used exclusively   | for such assessment and to collect and  |
| rice growing.   | for such purposes as stock watering, irrigation, settling basins, or  |
| Artificial reflecting or swimming needs and   |   |
| by excavating and/or diking dry land to retail  Water-filled depressions created in dry land  | water for primarila bodies of water created   |
| Water-filled depressions created in dry land  | reidental to construct the second   |
| the purpose of obtaining fill, sand, or gravel  | mater for primarily aesthetic reasons.  Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is |
| abandoned and the resulting body of water m   | ets the definition of waters of the United States found at 33 CFR   |
| 328.3(a).   | waters of the United States found at 33 CFR   |
| Isolated, intrastate wetland with no nexus to   | 440004-4-   |
| Prior converted cropland, as determined by the  | Natural Resources Conservation Service. Explain rationale:  |
|   | Traduction Resources Conservation Service. Explain rationale:   |
| Non-tidal drainage or irrigation ditches excav Other (explain):   | ated on dry land. Explain and and   |
| Other (explain):  | on ary land. Explain fationale:   |
|   |   |
| DATA DEVICENCE TO   |   |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMIN  Maps, plans, plots or plat submitted by or on behalf a   | ATION (mark all that apply).  |
| Maps, plans, plots or plat submitted by or on behalf of   | f the applicant.  |
|   |   |
|   |   |
| This office does not concur with the delineation report, day  Data sheets prepared by the Corps   | port, dated , prepared by (company):  |
| Data sheets prepared by the Corps. Corps' navigable waters' studies:  | 71 Pares of (company).  |
| U.S. Geological Surroy Vivil 1  |   |
| U.S. Geological Survey Hydrologic Atlas:  |   |
| U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrant  | : Addicks, Tex. 1995 and 1980   |
| U.S. Geological Survey 7.5 Minute Historic quadrangl  |   |
| U.S. Geological Survey 15 Minute Historic quadrangle USDA Natural Resources Conservations   | <b>\$</b> :   |
| USDA Natural Resources Conservation Service Soil S<br>National wetlands inventory maps: 1999 Addicks  | urvey: Harris County  |
| State/Local wetland inventory maps:   |   |
| FEMA/FIRM mans (Man Name & Dots), H.  |   |
| U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle USDA Natural Resources Conservation Service Soil S National wetlands inventory maps: 1999 Addicks State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris Count 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Addicks | Panel 610 and 620 of 1135, Revised 06 November 1996   |
| Aerial Photographs (Name & Date): 1995 Addicks  | 1270  |
| Other photographs (Date): 1995 Addicks  |   |
| Advanced Identification Wetland maps:   |   |
| Site visit/determination conducted on:  |   |
| Applicable/supporting case law:   |   |
| Other information (please specify):   |   |
| d   |   |
|   |   |
|   |   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

|                                    |  | Galveston<br>D-17811; Site No. 1   | I  |  |
|------------------------------------|--|--|--|--|
| State<br>Cou<br>Cent<br>App<br>Nam | nty: Hidalgo<br>ter coordinates of sit   | e (latitude/longitude<br>a (parcel) reviewed,<br>ay: Rio Grande  |  | 3276; 98 12 34.3795 slands: <u>0.310</u> acre.   |
|                                    | ICTIONAL DETERMINED IN THE PROPERTY IN THE PRO | determination  | 775  | ate: 15 December 2005<br>ate(s):   |
| Juri                               | sdictional Determin  | nation (JD):   |  |  |
|                                    | Preliminary JD - Ba<br>United States" and/<br>(Reference 33 CFR  | or "navigable waters   | ormation, [  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
| $\boxtimes$                        | Approved JD – An Check all that apply  |  | pealable ac  | tion (Reference 33 CFR part 331).  |
|                                    |  | gable waters of the U<br>Approximate size of   |  | s" (as defined by 33 CFR part 329 and associated guidance) within al area: <u>0 acres.</u>   |
|                                    |  | ers of the United State proximate size of jur  |  | ned by 33 CFR part 328 and associated guidance) within the rea: 0 acres.   |
|                                    | ☐ There are "isold   | ated, non-navigable,<br>Decision supported<br>Jurisdiction.  | intra-state<br>by SWANC  | waters or wetlands" within the reviewed area.  C/Migratory Bird Rule Information Sheet for Determination of No.  |
| BASIS C                            | OF JURISDICTION  | NAL DETERMINA  | TION:  |  |
|                                    | The presence of war  | ters that are subject t  | to the ebb ar  | gable waters of the United States":  d flow of the tide and/or are presently used, or have been used in nterstate or foreign commerce.   |
| B.                                 | (1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of which it is which are of (ii) from which it is which are (4) Impoundments (5) The presence of (6) The presence of  | f waters, which are concommerce, includir<br>f interstate waters inc<br>f other waters such as<br>, sloughs, prairie pot<br>th could affect interstor<br>for could be used by in<br>h fish or shellfish are<br>or could be used for<br>of waters otherwise<br>f a tributary to a wate<br>f territorial seas. | urrently use ag all waters cluding inters intrastate I holes, wet nate commenterstate or it or could be industrial publication as ver identified | akes, rivers, streams (including intermittent streams), mudflats, neadows, playa lakes, or natural ponds, the use, degradation or ce including any such waters (check all that apply): foreign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce. urposes by industries in interstate commerce. |
|                                    |  |  |  |  |

# FILE NUMBER: D-17811 - SITE NO. 1

|     | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation  328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
|-----|--|
|     | Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  |
|     | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:   |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Elevated ditches with pump stations to move water for irrigation purposes  Other (explain):  |
|     | Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Pharr, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Hydrological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic q |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: D-17811; Site No. 2 PROJECT LOCATION INFORMATION: State: Texas County: Hidalgo Center coordinates of site (latitude/longitude): 26 08 31.6351; 98 12 45.6866 Approximate size of area (parcel) reviewed, including uplands: 0.390 acre. Name of nearest waterway: Rio Grande Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 15 December 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0 acres.</u> There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0 acres. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

## FILE NUMBER: D-17811 - 5 ite No. 2

| ] .:<br>[1 | Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 ar  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation   | dd 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|------------|--|---|
|            | ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veg   | etation lines/changes in vegetation types.  |
|            | ☐ Wetland boundaries, as shown on the attached wetland deline  | eation map and/or in a delineation report prepared by:  |
|            | The Corps has made a case-specific determination that the for United States:  Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to uplate Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such price growing.  Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the case of the state of the same of the | 33 CFR part 328.3(a)(3). llowing waters present on the site are not Waters of the r lagoons, pursuant to 33 CFR part 328.3. In diff the irrigation ceased. In diking dry land to collect and surposes as stock watering, irrigation, settling basins, or cornamental bodies of water created or primarily aesthetic reasons. It to construction activity and pits excavated in dry land for d until the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce. |
|            | State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Hidalgo County (Ma 01/02/81) 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:  | licant. t, prepared by (company): ted, prepared by (company):  Texas  |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

|   |                                   | CT OFFICE:<br>JMBER:   | Galveston<br>D-17811; Site No. 3   | 3  |  |
|---|-----------------------------------|--|--|--|--|
| ( | State<br>Cou<br>Cen<br>App<br>Nam | nty: Hidalgo<br>ter coordinates of sit   | e (latitude/longitude<br>a (parcel) reviewed,<br>ay: Rio Grande  |  | 5285; 98 12 49.3422 plands: <u>0.193</u> acre.   |
|   |                                   | ICTIONAL DETERMINED IN CONTROL OF | determination  | 70,000   | Pate: 15 December 2005<br>ate(s):  |
| , | Juri                              | sdictional Determi   | nation (JD):   |  |  |
| ł |                                   |  | or "navigable waters   |  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
| 1 | $\boxtimes$                       | Approved JD – An Check all that apply  |  | opealable ac   | tion (Reference 33 CFR part 331).  |
|   |                                   |  | gable waters of the U<br>Approximate size of   |  | s" (as defined by 33 CFR part 329 and associated guidance) within al area: <u>0 acres.</u>   |
|   |                                   |  | ers of the United State proximate size of jur  |  | ned by 33 CFR part 328 and associated guidance) within the rea: 0 acres.   |
|   |                                   | ☐ There are "isola   |  |  | waters or wetlands" within the reviewed area. C/Migratory Bird Rule Information Sheet for Determination of No  |
|   | A.                                | Waters defined un<br>The presence of war   | ters that are subject t  | <b>29 as "navi</b><br>to the ebb ar  | gable waters of the United States":  d flow of the tide and/or are presently used, or have been used in nterstate or foreign commerce.   |
|   | B                                 | (1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of whic (i) which are o (ii) from which (iii) which are (4) Impoundments (5) The presence of (6) The presence of  | waters, which are concerned to commerce, including interstate waters incommerce, sloughs, prairie pother waters, sloughs, prairie pother could affect interstor could be used by in fish or shellfish are or could be used for of waters otherwise of a tributary to a water territorial seas. | urrently use ag all waters cluding inters intrastate I holes, wet neate commer atterstate or for could be industrial preferridentified | akes, rivers, streams (including intermittent streams), mudflats, neadows, playa lakes, or natural ponds, the use, degradation or ce including any such waters (check all that apply): foreign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce. urposes by industries in interstate commerce. |
|   | _                                 |  |  |  |  |

## FILE NUMBER: D-17811 - 5,70 No. 3

| Lai | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris  changes in the character of soil  destruction of terrestrial vegetation  shelving  other: hydrophytic vegetation  Ordinary High Water Mark indicated by:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:   |
|-----|--|
|     | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.   |
|     | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:   |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Elevated ditches with pump stations to move water for irrigation purposes  Other (explain):   |
|     | Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Pharr, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 18 Minut |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. We lands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

U.S. Army Corps of Engineers

| CT OFFICE: Galveston District JMBER: D-17895  |  |  |
|---|--|--|
| T LOCATION INFORMATION: Texas ty: Nueces ter coordinates of site (latitude/longitude): roximate size of area (parcel) reviewed, include of nearest waterway: Laguna Madre tee of watershed: Laguna Madre  |  | 5-14-12.28 98-10-46.26<br>lands: approx. 8,500 acres.  |
| ICTIONAL DETERMINATION  pleted: Desktop determination  Site visit(s)  | _  | ate: 15 December 2005<br>ate(s):   |
| sdictional Determination (JD):  |  |  |
|   |  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable  |
| Approved JD – An approved JD is an appearance check all that apply:   | alable ac  | tion (Reference 33 CFR part 331).  |
|   |  | 3" (as defined by 33 CFR part 329 and associated guidance) within al area: 8,500 acres.  |
|   |  | ned by 33 CFR part 328 and associated guidance) within the rea:  |
| ☐ There are "isolated, non-navigable, into Decision supported by Jurisdiction.  | <i>a-state v</i><br>SWANC  | waters or wetlands" within the reviewed area.  C/Migratory Bird Rule Information Sheet for Determination of No   |
| Waters defined under 33 CFR part 329 a<br>The presence of waters that are subject to the  | ı <b>s "naviş</b><br>ne ebb ar   | d flow of the tide and/or are presently used, or have been used in   |
| (1) The presence of waters, which are curre interstate or foreign commerce, including a (2) The presence of interstate waters includ (3) The presence of other waters such as interstate, wetlands, sloughs, prairie pothologist destruction of which could affect interstate (i) which are or could be used by intersection (iii) which are or could be used for ind (4) Impoundments of waters otherwise defit (5) The presence of a tributary to a water ice (6) The presence of territorial seas. | ently used<br>Il waters<br>ling inter<br>trastate I<br>es, wet m<br>commer<br>state or f<br>could be<br>lustrial p<br>ned as w<br>lentified  | d, or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide. state wetlands <sup>1</sup> .  akes, rivers, streams (including intermittent streams), mudflats, readows, playa lakes, or natural ponds, the use, degradation or ce including any such waters (check all that apply): oreign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce. urposes by industries in interstate commerce. aters of the US.  |
|   | T LOCATION INFORMATION:  Texas  Ty: Nueces  Texas  Ty: Nueces  Toximate size of area (parcel) reviewed, incle  of nearest waterway: Laguna Madre  of nearest waterway: Laguna Madre  of watershed: Laguna Madre  CTIONAL DETERMINATION  Typleted: Desktop determination  Site visit(s)  Sidictional Determination (JD):  Preliminary JD - Based on available inform  United States" and/or "navigable waters of  (Reference 33 CFR part 331).  Approved JD — An approved JD is an appeat  Check all that apply:  There are "navigable waters of the United States" reviewed area. Approximate size of jurisdit  There are "waters of the United States" reviewed area. Approximate size of jurisdit  There are "isolated, non-navigable, intreviewed area. Approximate size of jurisdit  There are "isolated, non-navigable, intreviewed area. Approximate size of jurisdit on.  FJURISDICTIONAL DETERMINATION  Waters defined under 33 CFR part 329 at The presence of waters that are subject to the past, or may be susceptible for use to transcript the past, or may be susceptible for use to transcript the presence of other waters such as interestate or foreign commerce, including a (2) The presence of other waters such as interestate or foreign commerce, including a (2) The presence of other waters such as interestate or foreign commerce, including a (2) The presence of other waters such as interestate or foreign commerce, including a (2) The presence of other waters such as interestate or foreign commerce, including a (2) The presence of other waters such as interestate or foreign commerce, including a (3) The presence of other waters such as interestate or foreign commerce, including a (4) Impoundments of waters otherwise defice the presence of a tributary to a water including a presence of a tributary to a water including a (5) The presence of territorial seas. | TLOCATION INFORMATION:  Texas  Ty: Nucces  Texas  Ty: Nucces  Toximate size of area (parcel) reviewed, including up  There are "navigable waters of the United States" (as defired area. Approximate size of jurisdiction area area. Approximate size of jurisdictional area area area. Approximate size of jurisdictional area area area area area area area. Approximate size of jurisdictional area area area area area area area ar |

| La  | teral Extent of Jurisdiction: (Reference: 33 CFR par Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | FILE NUMBER: D-17895  s 328 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  |
|-----|--|---|
|     | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings  | ;  vegetation lines/changes in vegetation types.  |
|     | Wetland boundaries, as shown on the attached wetland   | nd delineation map and/or in a delineation report prepared by:  |
| Bas | United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavat retain water and which are used exclusively frice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water made 328.3(a).  Isolated, intrastate wetland with no nexus to interest the same and the second secon | basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. Ing and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for neless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce.  Replace of the Natural Resources Conservation Service. Explain rationale: |
|     | Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, d This office does not concur with the delineation of Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic map U.S. Geological Survey 7.5 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang U.S. Autural Resources Conservation Service Soil National wetlands inventory maps: Oso Creek NE and State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is:  (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):   | f the applicant. applicant. ated , prepared by (company): eport, dated , prepared by (company): s: Oso Creek NE and Pita Island, TX les: es: Survey: Nueces   |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

# JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

|                                      | CT OFFICE: C<br>JMBER: D-180  |  |  | ļ  |  |  | ;<br>;  |  |   |
|--------------------------------------|---|--|--|--|--|--|---|--|---|
| State<br>Cour<br>Cent<br>Appr<br>Nam | e: TX nty: Hida ter coordinates or coximate size o  | of site (latitude/long<br>f area (parcel) revie<br>tterway: Rio Grande   | gitude):<br>wed, including i<br>River  | N26 8' 1<br>uplands:   | 9.5035", W98<br>6.5 acres.   | 8 16' 5.2950'  |   |  |   |
|                                      | ipleted: Desk   | ETERMINATION<br>top determination<br>visit(s)  | 5255T  | Date: 15<br>Date(s):   | December 20  | 005  |   |  |   |
| Juri                                 | sdictional Dete   | ermination (JD):   |  |  |  |  |   |  |   |
|                                      | United States"  | o - Based on availab<br>and/or "navigable v<br>CFR part 331).  |  |  |  |  |   |  |   |
| ☒                                    | Approved JD -<br>Check all that   | - An approved JD is apply:   | an appealable  | action (R  | eference 33 (  | CFR part 331   | 1).   |  |   |
|                                      | There are 'the reviewed a   | 'navigable waters of<br>rea. Approximate s   | the United Statized of jurisdiction  | es" (as c<br>onal area   | lefined by 33  | CFR part 32  | 9 and associa   | ted guidar   | nce) within   |
|                                      |   | waters of the Unite<br>Approximate size  |  |  | 33 CFR part  | 328 and ass  | ociated guida   | nce) within  | n the   |
|                                      | ☐ There are   | "isolated, non-navig<br>Decision supp<br>Jurisdiction.   | gable, intra-state<br>orted by SWAN  | waters   | or wetlands"<br>gratory Bird F   | within the re<br>Cule Informa  | eviewed area.<br>tion Sheet for   | Determin   | ation of No   |
| Α.                                   | Waters define<br>The presence of  | FIONAL DETERM<br>ed under 33 CFR p<br>of waters that are sull<br>by be susceptible for   | art 329 as "nav  | and flow   | of the tide a  | nd/or are pre  | es":<br>sently used, o  | r have bee   | en used in  |
|                                      | (1) The present interstate or for (2) The present (3) The present sandflats, weth destruction of (i) which (ii) from (iii) which (4) Impoundmre (5) The present (7) The present (7) The present (7) | ed under 33 CFR parce of waters, which oreign commerce, in the of interstate waters of other waters sands, sloughs, prair which could affect are or could be used which fish or shellfish are or could be used to the of a tributary to the of a tributary to the of waters of wetlands adjace of wetlands adjace. | are currently used cluding all waters including all waters including intuch as intrastate ie potholes, wet interstate commond by interstate osh are or could end for industrial twise defined as a water identified cent <sup>2</sup> to other water identified cent <sup>3</sup> to other water identified cent <sup>4</sup> to other water identified cent <sup>5</sup> to other water identifie | sed, or wors which erstate we lakes, readowerce incler foreign be taken purpose waters od in (1) aters of the control of the c | ere used in the are subject to retlands <sup>1</sup> . ivers, streams and suding any sutravelers for and sold in its by industrical from the US.  — (4) above. | the past, or may the ebb and t | d flow of the tantermittent st ponds, the usneck all that a or other purporeign commete commerce. | reams), me, degradation pply): oses.                 | udflats,<br>tion or<br>er wetlands                  |
| wate<br>wate<br>(i.e.<br>affe<br>mak | er or wetland is<br>ers. If B(I) or i<br>, discuss site co<br>ct interstate or  | Basis of Jurisdiction itself a navigal B(3) is used as the Benditions, including foreign commerce). The B(7) is used ation. If B(7) is used  | ole water of the<br>Basis of Jurisdic<br>why the waterb<br>If B(2, 4, 5 or 6   | United S<br>tion, doc<br>ody is na<br>b) is usea   | tates, describ<br>cument navigo<br>vigable and/o<br>l as the Basis   | e connection<br>ability and/or<br>or how the do<br>of Jurisdicti   | n(s) to the dover<br>interstate co<br>estruction of to<br>on, document                            | vnstream r<br>ommerce co<br>the waterb<br>the ration | navigable<br>onnection<br>ody could<br>nale used to |

| La | Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   | 329) High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:   |
|----|--|--|
|    | <ul> <li>Mean High Water Mark indicated by:</li> <li>         □ survey to available datum; □ physical markings; □ veget</li> </ul>   | ation lines/changes in vegetation types.   |
|    | Wetland boundaries, as shown on the attached wetland delinear  | tion map and/or in a delineation report prepared by:   |
|    | Headquarters declined to approve jurisdiction on the basis of 33  The Corps has made a case-specific determination that the follounited States:  Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to uplandartificial lakes and ponds created by excavating and/or retain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or other small of by excavating and/or diking dry land to retain water for | G CFR part 328.3(a)(3).  Sowing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3.  If if the irrigation ceased, diking dry land to collect and rposes as stock watering, irrigation, settling basins, or rnamental bodies of water created primarily aesthetic reasons.  If construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR ommerce.  Resources Conservation Service. Explain rationale: |
|    | U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Hi National wetlands inventory maps: Mission State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995 Other photographs (Date): Advanced Identification Wetland maps:   | cant. , prepared by (company): ed , prepared by (company):  Quad   |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| <b>DISTRICT OFFICE:</b> CESWG<br><b>FILE NUMBER:</b> SWG-05-07-043  |  |
|---|--|
| PROJECT LOCATION INFORMATION: State: Texas County: Galveston Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay  | 29.5099N; 94.9721W<br>uplands: 1 acres.  |
| JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s)   | Date: 15 Dec 05 Date(s):   |
| Jurisdictional Determination (JD):  |  |
| Preliminary JD - Based on available information, United States" and/or "navigable waters of the Un (Reference 33 CFR part 331).   | there appear to be (or) there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable  |
| Approved JD – An approved JD is an appealable Check all that apply:   | action (Reference 33 CFR part 331).  |
| There are "navigable waters of the United Sta the reviewed area. Approximate size of jurisdictions."  | tes" (as defined by 33 CFR part 329 and associated guidance) within onal area: 1 acre.   |
| There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional  | tined by 33 CFR part 328 and associated guidance) within the area:   |
| There are "isolated, non-navigable, intra-state Decision supported by SWAN Jurisdiction.  | waters or wetlands" within the reviewed area. ICC/Migratory Bird Rule Information Sheet for Determination of No.   |
| BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "nay  |  |
|   | and flow of the tide and/or are presently used, or have been used in   |
| (2) The presence of interstate waters including all waters (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet destruction of which could affect interstate comme (i) which are or could be used by interstate or (ii) from which fish or shellfish are or could be (iii) which are or could be used for industrial (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identified (6) The presence of territorial seas. | d, or were used in the past, or may be susceptible to use in s which are subject to the ebb and flow of the tide.  rstate wetlands <sup>1</sup> .  lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or rece including any such waters (check all that apply): toreign travelers for recreational or other purposes.  e taken and sold in interstate or foreign commerce.  purposes by industries in interstate commerce.  waters of the US. |
| Rationale for the Basis of Jurisdictional Determinati   | on (annlies to any hoves checked above) If the jurisdictional  |

43

| La          | teral Extent of Jurisdiction: (Reference: 33 CFR   | Parts 328 and 320)   |
|-------------|--|--|
|             | Ordinary High Water Mark indicated by:   |  |
|             | clear, natural line impressed on the bank  | High Tide Line indicated by:   |
|             | the presence of litter and debris  | oil or scum line along shore objects                                   |
|             | changes in the character of soil   | fine shell or debris deposits (foreshore)                              |
|             | destruction of terrestrial vegetation  | physical markings/characteristics                                      |
|             | shelving   | tidal gages  |
|             | other:   | other:   |
|             | Mean High Water Mark indicated by:   |  |
|             | survey to available datum; physical marki  | ngs;  vegetation lines/changes in vegetation types.                    |
|             | Wetland boundaries, as shown on the attached we  | tland delineation map and/or in a delineation report prepared by:      |
| Bas         | is For Not Asserting Jurisdiction:   |  |
|             | The reviewed area consists entirely of unlands   |  |
|             | Unable to confirm the presence of waters in 33 CF  | R part 328(a)(1, 2, and 7)   |
| -           | Treadquarters declined to approve infishiction on t  | the basis of 22 CED + 220 24 Va  |
|             | The Corps has made a case-specific determination   | that the following waters present on the site are not Waters of the    |
|             |  |  |
|             | Waste treatment systems, including treatm  | ent ponds or lagoons, pursuant to 33 CFR part 328.3.                   |
|             | - I mile and a cas, which would re   | Vert to unland if the immedian 1                                       |
|             |  | ating and/or diking dry land to collect and                            |
|             | rice growing.  | y for such purposes as stock watering, irrigation, settling basins, or |
|             | Artificial reflecting or swimming pools or   | other small ornamental bodies of water created                         |
|             | of executating and/or diking dry land to ret   | ain Water for primarily another:                                       |
|             | - " atol fined depressions cleated in dry land   | I incidental to construction activity and                              |
|             |  |  |
|             | 328.3(a).  | meets the definition of waters of the United States found at 33 CFR    |
|             | Isolated, intrastate wetland with no nexus to  | interstate commerce  |
| ,           | Prior converted cropland, as determined by   | the Natural Resources Conservation Service. Explain rationale:         |
| [           |  |  |
|             | Non-tidal drainage or irrigation ditches exceed Other (explain):                                     | explain rationale:   |
|             |  |  |
| DATA RE     | EVIEWED FOR HUDSIDICTIONAL DETURNA   |  |
| ⊠ N         | EVIEWED FOR JURSIDICTIONAL DETERM Maps, plans, plots or plat submitted by or on behalf               | INATION (mark all that apply):   |
|             | pala sincers prepared/submitted by or on behalf of the   | ne applicant   |
| L           | inis office concurs with the delineation report  | dated proposed by ( )  |
| [           | ☐ This office does not concur with the delineation   | report, dated , prepared by (company):                                 |
|             | rata silects prepared by the Corps   | , propuled by (company).   |
|             | Corps' navigable waters' studies:  |  |
|             | J.S. Geological Survey Hydrologic Atlas:   |  |
|             | J.S. Geological Survey 7.5 Minute Topographic ma   | ps: Bacliff, Texas   |
| 11          | J.S. Geological Survey 7.5 Minute Historic quadrar   | igles:   |
| <b>I</b> U  | I.S. Geological Survey 15 Minute Historic quadran<br>SDA Natural Resources Conservation Service Soil | gles:  |
| N           | ational wetlands inventory maps:   | Survey:  |
| St St       | tate/Local wetland inventory maps:   |  |
| <b>I</b> Fl | EMA/FIRM maps (Map Name & Date)  |  |
| 10          | 00-year Floodplain Elevation is (NGVD)   |  |
| A           | erial Photographs (Name & Date):   |  |
| O1          | ther photographs (Date):   |  |
| A(          | dvanced Identification Wetland maps:   |  |
| A.          | te visit/determination conducted on: oplicable/supporting case law:                                  |  |
|             | ther information (please specify):   |  |
|             | (pieuse specity).  |  |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

U.S. Army Corps of Engineers

|                             | UMBER:  |  |  | RC   |   |  |  |
|-----------------------------|---|--|--|--|---|--|--|
| Sta<br>Co<br>Ce<br>Ap<br>Na | ite: Texas<br>unty: Mon<br>nter coordi<br>proximate<br>me of near<br>me of wate | tgomery<br>nates of<br>size of a<br>est wate             | County<br>site (latitu<br>rea (parce<br>rway: Whi                        | de/longitude)<br>l) reviewed<br>te Oak Cre   | l, including<br>ek  | ' 18"1<br>g upla                             | N, 95° 30' 33"W (NAD83)<br>nds: <u>1.0</u> acres.  |
|                             | DICTION Ampleted:   |  | p determir   |  | ⊠<br>□  | Date<br>Date                                 | e: 16 December 2005<br>(s):  |
| Jui                         | isdictiona  | l Deter  | nination (   | JD):   |   |  |  |
|                             | United Si   | tates" ar  | Based on id/or "navi<br>R part 33  | gable wate   | nformation,<br>ers of the U   | . □ t<br>nited                               | here appear to be (or) there appear to be no "waters of the States" on the project site. A preliminary JD is not appealable  |
| Ø                           | Approved<br>Check all   | d JD – A<br>l that ap                                    | in approve<br>ply:   | d JD is an   | appealable  | actio  | n (Reference 33 CFR part 331).   |
|                             | There   | are "na<br>wed area                                      | vigable wa<br>. Approxi  | aters of the<br>mate size  | United Sta  | ites"  | (as defined by 33 CFR part 329 and associated guidance) within area:   |
|                             | There reviewed  | are "wa<br>area. A                                       | aters of the   | United St  | ates" (as durisdictiona   | efine<br>l area                              | d by 33 CFR part 328 and associated guidance) within the   |
|                             | There   | are "is  | olated, non<br>Decisio<br>Jurisdic                                       | n supporte   | e, intra-stat<br>d by SWAI  | e wat<br>NCC/                                | ers or wetlands" within the reviewed area.<br>Migratory Bird Rule Information Sheet for Determination of No  |
| A.                          | The prese   | l <b>efined</b> ince of v                                | inder 33 (<br>aters that   | CFR part :<br>are subject  | 329 as "nat<br>to the ebb   | and f  | le waters of the United States":<br>low of the tide and/or are presently used, or have been used in<br>rstate or foreign commerce.   |
| B.                          | (1) The printerstate<br>(2) The printerstate<br>(3) The prisandflats,           | resence<br>or foreignesence<br>resence<br>wetland        | of waters, gn commerced interstate of other was, sloughs                 | which are of the control of the cont | currently using all wate<br>acluding int<br>as intrastate<br>tholes, wet    | sed, o<br>ers wh<br>erstan<br>e lake<br>mean | ters of the United States":  If were used in the past, or may be susceptible to use in the past, or may be suscept |
|                             | (i) wl (ii) fr (iii) v (4) Impou (5) The pr (6) The pr                          | hich are<br>rom whi<br>which ar<br>indment<br>resence or | or could be fish or see or could so of waters of a tributa of territoria | e used by ishellfish ar be used for otherwise ry to a wat al seas.   | interstate or<br>e or could l<br>r industrial<br>defined as<br>er identifie | fore<br>be tak<br>purp<br>wate<br>d in (     | ncluding any such waters (check all that apply): ign travelers for recreational or other purposes. ten and sold in interstate or foreign commerce. oses by industries in interstate commerce. rs of the US. 1) – (4) above. of the US, except for those wetlands adjacent to other wetlands.   |
| Rati                        | onale for t   | the Basi   | s of Jurise  | dictional I  | Determinat  | ion (:                                       | applies to any boxes checked above). If the jurisdictional d States, describe connection(s) to the downstream navigable  |

2 FILE NUMBER: D-17121 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated \_ \_, prepared by (company): This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1976 Cowl Spur U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Montgomery County National wetlands inventory maps: 1999 Cowl Spur State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Montgomery County, Texas Panel 359 of 750, Dated December 19, 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Cowl Spur DOQQ Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

|                                 | UMBER: Galveston  UMBER: D-17876; Site No. 1  |  |
|---------------------------------|---|--|
| Sta<br>Cor<br>Cer<br>App<br>Nar | CT LOCATION INFORMATION: te: Texas unty: Cameron nter coordinates of site (latitude/longitude): 26 04 proximate size of area (parcel) reviewed, including me of nearest waterway: Rio Grande me of watershed: South Laguna Madre  | 55.3619; 97 28 34.5418<br>suplands: <u>25.50</u> acres.  |
|                                 | mpleted: Desktop determination Site visit(s)  | Date: 16 December 2005 Date(s):  |
| Jur                             | risdictional Determination (JD):  |  |
|                                 | Preliminary JD - Based on available information United States" and/or "navigable waters of the U (Reference 33 CFR part 331).   | there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable   |
| $\boxtimes$                     | Approved JD – An approved JD is an appealable Check all that apply:   | action (Reference 33 CFR part 331).  |
|                                 | There are "navigable waters of the United Stathe reviewed area. Approximate size of jurisdict   | ntes" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0 acre.   |
|                                 | ☐ There are "waters of the United States" (as dreviewed area. Approximate size of jurisdictional  | efined by 33 CFR part 328 and associated guidance) within the larea: 0.3 acre.   |
|                                 | There are "isolated, non-navigable, intra-sta  Decision supported by SWA:  Jurisdiction.  | te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.   |
| A.                              | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transport  | and flow of the tide and/or are presently used, or have been used in   |
| B                               | interstate or foreign commerce, including all wate (2) The presence of interstate waters including in (3) The presence of other waters such as intrastat sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (i) which are or could be used by interstate of (ii) from which fish or shellfish are or could (iii) which are or could be used for industrial (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identification. | sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.  terstate wetlands <sup>1</sup> .  e lakes, rivers, streams (including intermittent streams), mudflats, a meadows, playa lakes, or natural ponds, the use, degradation or terce including any such waters (check all that apply):  r foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.  purposes by industries in interstate commerce. |

#### FILE NUMBER: D-17876 SITC NO 1

| eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: hydrophytic vegetation  |
|---|
| Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.   |
| Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:  |
| is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Elevated ditches with pump stations to move water for irrigation purposes  Other (explain): |
| Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Los Fresnos, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps: Los Fresnos, Texas  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Cameron 100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):  |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydro ogy).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

|                                  | CT OFFICE:<br>UMBER:   | Galveston<br>D-17876; Site No. 2  | 2  |  |
|----------------------------------|--|---|--|--|
| Stat<br>Cou<br>Cen<br>App<br>Nan | inty: Cameron iter coordinates of sit  | te (latitude/longitude<br>a (parcel) reviewed, i<br>ay: Rio Grande  |  |  |
|                                  | pictional Detel<br>npleted: Desktop of<br>Site visit(  | determination   | 223  | Pate: 16 December 2005<br>ate(s):  |
| Jur                              | isdictional Determin   | nation (JD):  |  |  |
|                                  |  | or "navigable waters  |  | there appear to be (or) there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable                          |
| $\boxtimes$                      | Approved JD – An Check all that apply  |   | pealable ac  | tion (Reference 33 CFR part 331).  |
|                                  |  | gable waters of the U<br>Approximate size of  |  | s" (as defined by 33 CFR part 329 and associated guidance) within al area: <u>0 acres.</u>   |
|                                  |  | ers of the United State<br>proximate size of juri   |  | ined by 33 CFR part 328 and associated guidance) within the area: 0.3 acre.  |
|                                  | ☐ There are "isolo   |   |  | waters or wetlands" within the reviewed area.  C/Migratory Bird Rule Information Sheet for Determination of No   |
| BASIS (                          | OF JURISDICTION  | NAL DETERMINA   | TION:  | ·  |
|                                  | The presence of wat  | ters that are subject t   | o the ebb ai   | gable waters of the United States":  In the distribution of the tide and/or are presently used, or have been used in the interstate or foreign commerce. |
| B.                               | <ul><li>(1) The presence of interstate or foreign</li><li>(2) The presence of</li><li>(3) The presence of</li></ul>                    | waters, which are cun commerce, including interstate waters incommerce such as  | irrently use<br>g all waters<br>luding inter<br>intrastate l             | akes, rivers, streams (including intermittent streams), mudflats,  |
|                                  | destruction of which  (i) which are o  (ii) from which  (iii) which are  (4) Impoundments of  (5) The presence of  (6) The presence of | h could affect interst<br>r could be used by in<br>fish or shellfish are<br>or could be used for<br>of waters otherwise of<br>a tributary to a wate<br>fterritorial seas. | ate commenterstate or the could be industrial plefined as we indentified | in (1) – (4) above.  |
| $\boxtimes$                      | (7) The presence of  | f wetlands adjacent <sup>2</sup> t  | o other wat  | ers of the US, except for those wetlands adjacent to other wetlands.   |

FILE NUMBER: D-17876 SITE NO. 2

| Late<br>⊠ | Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation   | High Ti   | de Line indicated by:<br>l or scum line along shore objects<br>ne shell or debris deposits (foreshore)<br>nysical markings/characteristics<br>lal gages<br>her:  |
|-----------|---|---|--|
|           | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking  | s;  vegetation lin  | es/changes in vegetation types.  |
|           | Wetland boundaries, as shown on the attached wetla  | and delineation map   | and/or in a delineation report prepared by:  |
|           | rice growing.  Artificial reflecting or swimming pools or or by excavating and/or diking dry land to reta  Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water r 328.3(a).  Isolated, intrastate wetland with no nexus to Prior converted cropland, as determined by Non-tidal drainage or irrigation ditches excastations to move water for irrigation purpose Other (explain):  | basis of 33 CFR phat the following wat the following wat ponds or lagoons. The following of the small ornament in water for primari incidental to construntess and until the neets the definition interstate commercial the Natural Resource wated on dry land. | art 328.3(a)(3). Atters present on the site are not Waters of the pursuant to 33 CFR part 328.3. Arrigation ceased. Ary land to collect and a stock watering, irrigation, settling basins, or all bodies of water created by aesthetic reasons. Action activity and pits excavated in dry land for construction or excavation operation is of waters of the United States found at 33 CFR es.  Explain rationale: Elevated ditches with pump |
|           | Maps, plans, plots or plat submitted by or on behalf Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, This office does not concur with the delineation Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic mustree U.S. Geological Survey 7.5 Minute Historic quadrated U.S. Geological Survey 15 Minute Historic quadrated U.S. Actional Natural Resources Conservation Service Son National wetlands inventory maps: Los Fresnos, Testate/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Hidalgo 100-year Floodplain Elevation is:  Actional Photographs (Name & Date): Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): | f of the applicant. he applicant. dated, i report, dated aps: Los Fresnos, T ngles: il Survey:  | orepared by (company):, prepared by (company): exas  |

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston FILE NUMBER: D-17876; Site No. 3 PROJECT LOCATION INFORMATION: State: Texas County: Cameron Center coordinates of site (latitude/longitude): 26 06 13 2212; 97 28 20.9347 Approximate size of area (parcel) reviewed, including uplands: 25.5 acres. Name of nearest waterway: Rio Grande Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 16 December 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0 acres. ☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.3 acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [11] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

## FILE NUMBER: D-17876 - SITE NO. 3

|     | eral Extent of Jurisdiction: (Reference: 33 CFR parts Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation  | ☐ High Tid<br>☐ oil<br>☐ fine<br>☐ phy   | e Line indicated by:<br>or scum line along shore ob<br>shell or debris deposits (fo<br>sical markings/characterist<br>al gages<br>er:   | reshore)  |
|-----|---|--|---|---|
|     | Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings  | □ vegetation lines   | s/changes in vegetation type  | es.   |
|     | Wetland boundaries, as shown on the attached wetland  | d delineation map a  | nd/or in a delineation repor  | t prepared by:  |
| Bas | is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR   Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination th United States:  Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavati retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or off by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water made 328.3(a).  Isolated, intrastate wetland with no nexus to in Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavations to move water for irrigation purposes Other (explain): | pasis of 33 CFR parat the following wat ponds or lagoons, put to upland if the irring and/or diking drawater for primarily reidental to construction of the definition of the contract of th | t 328.3(a)(3). ers present on the site are n pursuant to 33 CFR part 328 igation ceased. y land to collect and stock watering, irrigation, s l bodies of water created aesthetic reasons. tion activity and pits excav onstruction or excavation of waters of the United States s Conservation Service. Exp | ettling basins, or ated in dry land for peration is found at 33 CFR |
|     | Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, of This office does not concur with the delineation Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic map U.S. Geological Survey 15 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang U.S. Actional wetlands inventory maps: Los Fresnos State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Hidalgo Colon-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):   | f the applicant. applicant. ated, property, dated, property, dated   | epared by (company):, prepared by (company as   | <i>(</i> ):   |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from barriers, natural river berms, beach dunes, and the like are also adjacent.